State of California
Board for Professional Engineers, Land Surveyors, and Geologists

2018 Sunset Review Report

Submitted December 1, 2018

Prepared for the Senate Standing Committee on Business, Professions and Economic Development and the Assembly Business and Professions Committee

STATE OF CALIFORNIA

DEPARTMENT OF CONSUMER AFFAIRS

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BACKGROUND AND DESCRIPTION OF THE BOARD AND REGULATED PROFESSIONS

SECTION 1

Section 1
Background and Description of the Board and Regulated Profession

History of the Board for Professional Engineers, Land Surveyors, and Geologists

Civil Engineers Board (1929 – Present)
The California Legislature created the Board of Registration for Civil Engineers in 1929 following the failure of the Saint Francis (San Francisquito) Dam in northern Los Angeles County in March 1928 (Chapter 766, Statutes of 1929). The 200-foot dam, designed by William Mulholland for the Los Angeles Department of Water and Power, near the southern end of the aqueduct bringing water from the Owens River to the San Fernando Valley, suddenly gave way. A monstrous wall of water cascaded down the narrow valley of the Santa Clara River. When the water hit Santa Paula, almost 50 miles downstream from the dam, the crest was still 25 feet high. Lives lost numbered from 409 to 450, almost as many as in San Francisco's great fire. Property damage was millions of dollars. After the flood, inspection revealed that the dam was built on and anchored to a weak and faulted rock formation. The legislature determined that the unregulated design of construction projects constituted a hazard to the public. A law was then enacted requiring the registration of civil engineers.

When Legislative Committee hearings on the bill were held, a difference of opinion developed between proponents of registration by branch and those who favored registration in the category of professional engineer only. Opposition also developed from those engineers who were against the philosophy of licensing in general. The mining engineers strongly objected to any regulation of their activities as did some representatives of the mechanical and electrical engineering groups. Because the principal opposition came from groups who practiced in branches other than civil engineering, the bill was amended to exclude them and require registration of civil engineers only. It was in this form that Assembly Bill 174 was signed by the Governor (Chapter 801, Statutes of 1929). Initially the area of overlap between architecture and engineering was considered relatively unimportant, but as taller buildings were being designed and constructed, it became a source of increasing controversy. To resolve the disputed area of overlap between architecture and structural engineering, a solution was offered creating the title authority of structural engineer. Registered civil engineers who were found to be qualified in structural engineering could use the title structural engineer. Civil engineers then sponsored legislation creating the structural engineer title authority (Chapter 254, Statutes of 1931).

State Surveyor General (1891 – 1933)
Although Civil Engineers first became licensed in 1929, Land Surveyors have been licensed in California since 1891 in accordance with an act to establish land surveying that was enacted March 31, 1891. That was the year the Legislature established the State Surveyor General. However, in 1933, the Legislature abolished that office and enacted the Professional Land Surveyors' Act (Business and Professions [B&P] Code section 8700, et seq.). The Act expanded the Board's authority to include jurisdiction

over licensing of land surveyors and regulation of surveying practices. Until then, local governments had been interpreting the laws governing subdivision maps and recordation of parcel boundaries in widely differing ways for many years. Many land surveyors ignored basic legal requirements concerning subdivision maps and survey records. Some counties allowed boundary monuments to be moved or even destroyed. Legal disputes over property boundaries cost the state and the public millions of dollars. Regulation of land surveyors brought about uniform enforcement of survey law and furthered the best interests of the state and California consumers.

Growth of the Professional Engineers Board (1933 – 2009)

The technical advances made during the forties, possibly due to World War II, resulted in the registration, by title, of engineers in the branches of chemical, electrical, mechanical, and petroleum engineering. This was done through legislation in 1947. Because of the more specialized use of electrical and mechanical engineering, the law was amended in 1967 to change electrical and mechanical engineering from title act registrations to practice act registrations. Also in 1967, the legislature created the title disciplines of metallurgical and industrial engineering – that the Board opposed. A bill was then passed by the Legislature (Chapter 895, Statutes of 1968) which gave the authority to create new title acts to the Board by allowing interested parties to petition the Board for creation of new branches of engineering.

Several years passed, and the composition of the Board changed. During the early seventies, the Board received petitions from persons representing the branches of aerospace, agriculture, air pollution, communication, control system, corrosion, environmental, fire protection, manufacturing, nuclear, quality, safety, and traffic engineering. Hearings were held, and all petitions were approved except for the petitions of aerospace, air pollution, communication, and environmental engineers. In 1976 and 1977, the Board finally adopted formal regulations to implement licensure for the engineering disciplines which it had recognized during the preceding years.

In 1980, the laws were changed so that civil engineers licensed after January 1, 1982, would no longer have the authority to practice land surveying unless they obtained a license as a land surveyor; however, civil engineers were still allowed to practice engineering surveying, with that area of practice specified in law (Chapter 824, Statutes of 1979). Additionally, in 1982, the title authority of geotechnical engineer was added to the practice of civil engineering by the Legislature (Chapter 646, Statutes of 1982).

In 1985, Senate Bill 1030 (Chapter 732, Statutes of 1985) was passed by the Legislature with support from this Board. The bill amended Section 6732 of the B&P Code to codify the existing engineering disciplines into the Professional Engineers Act (B&P Code § 6700, et seq.), thereby recognizing them by statute rather than by regulation. It also repealed Section 6700.1 of the B&P Code, which had allowed for the establishment of new engineering disciplines by petition to the Board.

In 1999, examinations in three title acts (corrosion, quality, and safety) were eliminated. In 2004, legislation (Chapter 789, Statute of 2003) was enacted to discontinue the

examination for manufacturing engineering. Currently, there are nine remaining title acts: agricultural, chemical, control systems, fire protection, industrial, metallurgical, nuclear, petroleum, and traffic engineering.

Geologists and Geophysicists Board (1969 – 2009)

The former Board for Geologists and Geophysicists (BGG) was created in 1969 by legislation signed by then-Governor Ronald Reagan on August 1, 1968, under the Geologist Act and was provided authority to regulate the practice of geology. The Board was comprised of seven members (four public members and three professional licensees). In 1972, legislation was adopted to include the practice of geophysics, resulting in the renaming of the enabling act to the Geologist and Geophysicist Act. Professional Geologists had been licensed by the Board since 1970, as had the title authority license of Certified Engineering Geologist for Professional Geologists. Licensing of Professional Geophysicists began in 1973. Regulations were adopted in 1995 to include the title authority license of Certified Hydrogeologist for Professional Geologists.

Consumer demand for regulation of geological practices and concern for public safety and protection from landslide damage was a driving factor in the establishment of a board to regulate the practice of geology. Housing tracts built on hillsides were developed without the benefit of regulated and licensed geologists. In 1962, Southern California experienced a geologic disaster due to rainfall-induced landslides that impacted hillside development. The landslides resulted in significant financial losses that eventually led to the adoption of professional licensure for geologists in California.

In an attempt to prevent future geologic accidents, the City of Los Angeles adopted grading ordinances that required geologic reports for hillside development. Soon thereafter, other Southern California cities and counties enacted their own geological ordinances and qualifications for geologists. A need was recognized to establish both uniform statewide standards and a mechanism for statewide licensure. The Board for Geologists and Geophysicists functioned as a separate board for 40 years.

Legislation enacted during the 4th Extraordinary Session of 2009 (ABX4 20) eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors. The transfer of authority became effective October 23, 2009. The Geologist and Geophysicist Act (Business and Professions [B&P] Code section 7800, et seq.) and the Rules and Regulations pertaining to the practices of geology and geophysics (Title 16, California Code of Regulations [16 CCR] section 3000, et seq.) remain in effect.

Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

The licenses or certifications currently regulated by the Board are comprised of three primary categories: Practice Acts; Title Acts; and Title Authorities. Practice Act

licenses indicate that both the actual practice and the use of the title are regulated. Title Act licenses indicate that only the use of the title is regulated and the actual practice is not. Title Authorities represent licenses that authorize the use of specific titles by individuals who already hold certain Practice Act licenses. For example, Geotechnical and Structural Engineers must be licensed as a Civil Engineer first as a prerequisite for the title authority, while Certified Engineering Geologists and Certified Hydrogeologists must be licensed as a Professional Geologist first. The following chart illustrates these primary categories.

Practice Acts	Title Acts	Title Authorities
Civil Engineer Electrical Engineer Land Surveyor Mechanical Engineer Professional Geologist Professional Geophysicist	Agricultural Engineer Chemical Engineer Control System Engineer Fire Protection Engineer Industrial Engineer Metallurgical Engineer Nuclear Engineer Petroleum Engineer Traffic Engineer	Geotechnical Engineer Structural Engineer Certified Engineering Geologist Certified Hydrogeologist

In addition, the Board issues certifications for Engineer-In-Training (EIT), Geologist-In-Training (GIT), and Land Surveyor-In-Training (LSIT), which recognize individuals who have obtained a specific level of engineering, geology, or land surveying education and/or work experience as the entry-level step towards eventual licensure as a professional engineer, geologist, or land surveyor.

Function of the Board

The Board is charged with safeguarding life, health, property, and public welfare by regulating the practices of professional engineering, land surveying, geology, and geophysics. The Board provides this public service by qualifying and licensing individuals, establishing regulations, enforcing laws and regulations, and providing information so that consumers can make informed decisions.

The regulation of engineers, land surveyors, geologists, and geophysicists is intended to protect the public from incompetent, negligent, and/or unscrupulous individuals who would offer such services without having to demonstrate they are properly qualified. The public is assured that licensed engineers, licensed land surveyors, licensed geologists, and licensed geophysicists have met state-approved education, experience, and examination standards established by the Board.

Engineers, land surveyors, geologists, and geophysicists make professional judgments, which have major financial, health, safety, and other significant consequences on a daily basis. The highways, bridges, dams, waterways, buildings, and electrical and mechanical systems in buildings are all products of engineering. Consequences of poorly designed bridges or buildings include deaths and injuries as well as financial

hardship to the property owner ultimately responsible for damages and reconstruction. Land surveyors help to define property boundaries. A miscalculation of property boundaries in a residential or commercial neighborhood could cause a property owner financial loss if the property is sold or improvements were constructed based on reliance upon an incorrect boundary. A structure could be located on another individual's property, with concomitant major financial losses and inability to convey title. Geologists and geophysicists analyze the rock, soil, and groundwater resources in California and help to determine if active landslides, earthquake faults, or underground water supplies impact orderly and safe development or if they impact the health, safety or welfare of the public.

The complexity of engineering, land surveying, geology, and geophysics projects necessitates a very high degree of technical knowledge and skill which is typically only acquired after many years of experience. The vast majority of licensed engineers hold a college degree in engineering. Land surveyors make decisions and form opinions based upon interpretation of legal documents, field evidence, and the use of technically advanced instrumentation. Licensed geologists and geophysicists often obtain post-secondary degrees in earth sciences and devote many years of experience studying and interpreting data related to rock, soils, earth dynamics, and groundwater and the effect those have on public improvements.

Current Composition of the Board

There are fifteen Board member positions on the Board. All appointments to the Board are for a term of four years, with vacancies filled by appointment for the unexpired term. Each appointment (or re-appointment) after the initial appointment, if the initial appointment fills an unexpired term, is for a four-year term expiring on June 30 of the fourth year following the year in which the previous term expired. Each member may remain on the Board until the appointment of his or her successor or until one year has elapsed after the expiration of the term for which he or she was appointed, whichever occurs first; this is known as the "grace year." No person is allowed to serve as a member of the Board for more than two consecutive full four-year terms. (B&P Code §6712).

There are eight public member positions, appointed as follows (B&P Code §§6711 & 6712):

- Six public members by the Governor
- One public member by the Senate Rules Committee
- One public member by the Speaker of the Assembly

There are seven professional member positions, all appointed by the Governor. The seven professional member positions represent the branches or disciplines of engineering, land surveying, geology, or geophysics listed below. In addition, one

professional member must be from a local public agency and another professional member must be from a State agency. (B&P §§6711 & 6712):

- Civil Engineer
- Electrical Engineer
- Mechanical Engineer
- Structural Engineer
- Other Professional Engineer (representing one of the other branches or disciplines not specifically represented)
- Land Surveyor
- Professional Geologist or Geophysicist

The Board has not experienced issues with the inability to hold meetings due to a lack of a quorum in the last four years. As of December 1, 2018, there are no vacancies on the Board.

Table 1a. Board Member Meeting Attendance

BOARD MEMBER Term or Appointment Date	7/31-8/1/14,.Sacramento	9/25/14, Santa Rosa	11/13/14, Riverside	2/9-10/15, Sacramento	4/15-16/15, Sacramento	6/11/15, San Diego	7/16/15, Sacramento	9/10/15. Redding	11/15/15, San Bern.	12/4/15, Teleconference	1/14/16, Sacramento	3/3-4/16, Ventura	4/21/16, Santa Rosa	6/9-10/16, Riverside	8/18/16, Riverside	10/13-14/16, Oakland	12/8/16, San Diego	2/8/17, Sacramento	4/20-21/17, Sacramento	6/1/17, Eureka	7/27/17, Long Beach	9/21/17, San Diego	11/6/17, Riverside	1/8/18, Sacramento	3/8/18, Fresno	5/3/18, Sacramento	6/28/18, San Diego
	FY 14/15						FY 15/16								FY 16/17						FY 17/18						
FORMER BOARD MEMBERS																											
Chelsea Esquibias 8/19/15-4/26/17																											
Cynthia Guzman 5/10/16-12/2/16																											
Diane Hamwi 5/29/13-5/22/15																											
Phil Quartararo 2/10/10-6/30/15																											
Hong Beom Rhee 3/17/11-6/30/16																											
Karen Roberts 3/6/14-6/15/18																											
Renato Ray Satorre 7/13/07-8/19/15																											
Patrick Tami 6/9/06-6/14/16																											
Erik Zinn 1/2/11-2/12/15																											
CURRENT BOARD MEMBERS																											
Fel Amistad Appt. 11/24/15																											
Alireza Asgari Appt. 6/15/18																											
Nejla Bamshad-Alavi (Natalie Alavi) Appt. 12/17/13												½				½											
Andrew Hamilton Appt. 3/12/118																											
Kathy Jones Irish Appt. 7/6/12				½								½															
Eric Johnson Appt. 12/3/13																½											
Coby King Appt. 5/29/13																											
Asha Malikh Brooks Lang Appt. 12/17/13					½																						
Elizabeth Mathieson Appt. 2/10/15														½													
Mohammad Qureshi Appt. 3/5/14																											
Frank Ruffino Appt. 5/2/18																											
William "Jerry" Silva Appt. 2/13/08					½																						
Robert Stockton Appt. 7/6/12																											
Steven Wilson Appt. 6/14/16																											

Indicates attendance; ½ indicates Board Member was only present one of the two days.
Indicates absence.
Was not a member of the Board during this time

Table 1b. Board Member Roster					
Member Name	Date First Appointed	Date Reappointed	Date Term Expires	Appointing Authority	Type (public or professional)
Nejla Natalie Bamshad-Alavi	12/17/2013	7/19/2016	6/30/2020	Governor	Professional
Fel Amistad	11/24/2015	7/2/2018	6/30/2022	Governor	Public
Alireza Asgari	6/15/2018		6/30/2021	Governor	Professional
Duane E. Friel	10/10/2018		6/30/2019	Governor	Public
Andrew Hamilton	3/12/2018		6/30/2019	Speaker of the Assembly	Public
Kathy Jones Irish	7/6/2012	6/5/2014; 7/2/2018	6/30/2022	Governor	Public
Eric Johnson	12/3/2013	2/1/2018	6/30/2021	Governor	Professional
Coby King	5/29/2013	7/19/2016	6/30/2020	Governor	Public
Asha Malikh Brooks Lang	12/17/2013	7/19/2016	6/30/2020	Governor	Public
Elizabeth Mathieson	2/12/2015	7/2/2018	6/30/2022	Governor	Professional
Mohammad Qureshi	3/6/2014	6/5/2014; 7/2/2018	6/30/2022	Governor	Professional
Frank Ruffino	5/3/2018		6/30/2019	Senate Rules	Public
William Jerry Silva	2/13/2008	1/2/2011; 2/12/2015	6/30/2018	Governor	Public
Robert Stockton	7/6/2012	7/10/2015	6/30/2019	Governor	Professional
Steven Wilson	6/14/2016		6/30/2019	Governor	Professional

Committees of the Board

Prior to 2005, there were four active standing committees of the Board: Administration, Examination, Enforcement, and Legislation. Each committee was comprised of Board members. The Board eliminated the standing committees as a cost saving measure in 2004; currently, all issues are reviewed and discussed at the Board meetings. The Board has no plans to reinstate the standing committees at this time.

The Board also has the authority to appoint Technical Advisory Committees (TACs) under the provisions of Sections 6728, 7826, and 8715 of the B&P Code. The TACs each consist of five technical members, all of whom are licensees of the Board, but none of whom are Board members. Two Board members, one professional member and one public member, are assigned as liaisons to the TAC. These committees are appointed as needed to advise Board members and staff on matters pertaining to the various branches of engineering, land surveying, and geology and geophysics.

In addition to the above-noted standing committees, the President of the Board, with the concurrence of the other Board members, occasionally appoints special committees or

workgroups to serve specific purposes. The life, charge, and operating procedures of such committees are determined by the establishing authority.

Internal Review and Reorganization

As a result of the Board's internal Business Modernization Study, conducted beginning in 2016, management of the Licensing and Examination Development Unit was divided into two separate units to accommodate the necessary improvements to application processing and to more fully provide management oversight, all in an effort to provide more effective service to our customer base.

Currently, the Board is organized into four units, Administrative Services, Enforcement, Examination Development, and Licensing, which are all under the direction of the Assistant Executive Officer and the Executive Officer.

Strategic Planning

In the spring of 2015, the Board revisited its Strategic Plan goals intended for the following three years and established a goal to monitor the objectives more proactively. In the summer of 2017, approximately halfway through the current plan, the Board again revisited and updated its Strategic Plan to both reflect accomplishments and address any new concerns since the last review. Both of these documents are published on the Board's website under Publications at https://www.bpelsg.ca.gov/pubs/index.shtml. More recently, the Board reviewed an annual update on the status of goals and objectives from the current plan at its September 6, 2018, meeting. The Board anticipates revisiting the current plan subsequent to this Sunset review cycle.

All Legislation Sponsored by the Board and Affecting the Board Since the Last Sunset Review

2014

- SB 1467 – Senate Committee on Business, Professions and Economic Development (Chapter 400, Statutes of 2014): 1) Added a section to the Professional Land Surveyors' Act to state the legislative intent that the licensure requirements imposed on private sector professional land surveyors and land surveying business entities shall also be imposed on the state and any city, county, city and county, district, and special district and that an appropriately licensed person must be designated in responsible charge of the land surveying work practiced in any department or agency of any of the governmental entities listed; 2) added provisions to the Professional Engineers Act and the Professional Land Surveyors' Act to clarify that the designated person in responsible charge of civil engineering at the listed governmental entities is responsible for compliance with the monument preservation requirements of B&P Code § 8771; 3) added requirements

to the Professional Engineers Act relating to the signing and sealing of civil engineering plans for public school structures and hospitals and certain other medical facilities; 4) added a section to the Geologist and Geophysicist Act to address petitions for reinstatement of revoked licenses or modifications of penalty; and, 5) made other non-substantive, clarifying changes to various provisions of the three Acts under the Board's jurisdiction.

2015

- AB 177 – Bonilla (Chapter 428, Statutes of 2015): 1) Extended the Board's sunset review date to January 1, 2020; 2) added provisions to the three Acts to require licensees to cooperate with the Board during investigations of the licensees themselves; 3) added and amended sections in the three Acts to merge the Geologist and Geophysicist Account under the Professional Engineer's and Land Surveyor's Fund into one Fund known as the Professional Engineer's, Land Surveyor's, and Geologist's Fund, effective July 1, 2016; 4) addressed the educational/degree requirements for applicants for licensure as professional geologists and professional geophysicists; and, 5) made clarifying changes to the provisions relating to written contracts.

- AB 181 – Bonilla (Chapter 430, Statutes of 2015): 1) Removed the provisions relating to signing and sealing documents for public schools and hospitals that had been added the prior year due to confusion over the requirements; and, 2) made other non-substantive, clarifying changes in the Geologist and Geophysicist Act.

- SB 284 – Cannella (Chapter 157, Statutes of 2015): Extended the sunset date relating to the authorization for professional engineers and professional land surveyors to form Limited Liability Partnerships.

2016

- SB 1165 – Cannella (Chapter 236, Statutes of 2016): Board-sponsored legislation that 1) amended provisions in the three Acts to clarify that individuals apply for licensure or certification, not for examination; 2) amended provisions in the Geologist and Geophysicist Act to allow consideration of a broader range of geological and geophysical sciences education as qualifying for licensure as a professional geologist or professional geophysicist; 3) extended the period for renewal of an expired professional engineer or professional land surveyor license to five years and removed the provisions allowing for reinstatement of such a license that has been expired for more than five years; 4) amended the provisions relating to the maximum amount the Board may charge for the renewal of a professional engineer or a professional land surveyor license; and, 5) added requirements that professional geologists and professional geophysicists must sign and seal their work products.

- SB 1085 – Roth (Chapter 629, Statutes of 2016): Board-sponsored legislation that 1) added provisions to the three Acts to require licensees, at the time of renewal, to complete an online assessment to reinforce their knowledge of the state laws and the Board's rules and regulations relating to the professional practice or subject their

license to disciplinary action; and, 2) added a provision to the Geologist and Geophysicist Act to require applicants for licensure as a professional geophysicist to complete an examination on the state laws and regulations relating to the practice of geophysics in California.

- SB 1479 – Senate Committee on Business, Professions and Economic Development (Chapter 634, Statutes of 2016): Amended provisions of the Geologist and Geophysicist Act to allow the Board to 1) make arrangements with a public or private organization to conduct the licensing examinations; and, 2) authorize the organization to receive examination fee payments directly from the applicants.

- AB 685 – Irwin (Chapter 177, Statutes of 2016) – Made non-substantive, clarifying changes to B&P Code § 6742 relating to terminology used in the Real Estate Law.

- SB 1171 – Maintenance of the Codes (Chapter 86, Statutes of 2016) – Made grammatical changes to B&P Code § 7818.

2017
No legislation made changes to the three Acts under the Board's jurisdiction.

All Regulation Changes Approved by the Board Since the Last Sunset Review

The Following Regulatory Changes Became Effective from FY 2014/15 through FY 2017/18:

- **Disciplinary Orders for Professional Engineers, Land Surveyors, Geologists, and Geophysicists (effective October 1, 2014) – 16 CCR 419 and 3064**
  Updated and clarified the terms and conditions the Board may order in formal disciplinary decisions against licensees.

- **Citation Program Relating to Violations of the Geologist and Geophysicist Act (effective October 1, 2014) – 16 CCR 3062, et seq., and 3063, et seq.**
  Updated and clarified the citation regulations relating to violations of the Geologist and Geophysicist Act.

- **Definitions Relating to the Geologist and Geophysicist Act (effective January 1, 2015) – 16 CCR 3003**
  Clarified the definitions of "engineering geology" and "professional geophysical work."

- **Fees Authorized Pursuant to the Geologist and Geophysicist Act (effective January 1, 2015) – 16 CCR 3005**
  Removed the reference to the fee for a temporary license to conform with statute and added the fee for a retired license.

- **Applicant Fingerprint Submittal and Review (effective April 1, 2016) – 16 CCR 420.1 and 3021.1**
  Removed the reference to temporary authorization/license to conform with statute.

- **Waiver of Fundamentals Examination (effective October 1, 2016) – 16 CCR 438**
  Removed the reference to an "eight-hour" written examination to conform to statute.

- **Corner Records (effective April 1, 2017) – 16 CCR 464**
  Clarified the requirements for preparing and filing a Corner Record, as required by the Professional Land Surveyors' Act.

- **Citation Program Relating to Violations of the Professional Engineers Act, the Professional Land Surveyors' Act, and the Geologist and Geophysicist Act (effective July 1, 2017) – 16 CCR 472, et seq.; 473, et seq.; 3062, et seq.; and 3063, et seq.**
  Clarified the citation regulations relating to violations of the Professional Engineers Act, the Professional Land Surveyors' Act, and the Geologist and Geophysicist Act.

- **Qualification Requirements for Structural Engineer Authority and Geotechnical Engineer Authority (effective July 1, 2017) – 16 CCR 426.10, 426.14, and 426.50**
  Clarified the experience requirements for licensure as a structural engineer or a geotechnical engineer.

- **Review and Appeals of Geology and Geophysics Examinations (effective July 1, 2017) – 16 CCR 3036.1, 3036.2, 3037.1, 3037.2**
  Repealed sections that had become inoperative by their own terms.

- **Experience Requirements for Licensure as a Professional Land Surveyor (effective October 1, 2017) – 16 CCR 425**
  Clarified the experience required to obtain a license as a professional land surveyor.

- **Delinquent Reinstatement Requirements and Applicant Fingerprint Submittal and Review (effective January 17, 2018) – 16 CCR 424.5 and 420.1**
  Repealed provisions relating to delinquent license reinstatement requirements for professional engineers and professional land surveyors to conform to statute.

- **Reference Forms for Applicants for Licensure (effective January 11, 2018) – 16 CCR 427.10 and 427.30**
  Made non-substantive changes to the reference forms required to be submitted by applicants for licensure as professional engineers, professional land surveyors, and structural engineers.

National Associations

Due to the overall regulatory responsibilities assigned to the Board as it relates to the licensing of engineers, land surveyors, geologists, and geophysicists, the Board retains a longstanding participatory membership in two national associations primarily related to the examination requirements for its various license types.

National Council of Examiners for Engineering and Surveying (NCEES)
The Board is an active voting member of NCEES, which is a national non-profit organization composed of 70 member licensing boards representing all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands. NCEES is dedicated to advancing professional licensure for engineers and surveyors. It develops, administers, and scores the examinations used for engineering and surveying licensure in the United States. Fifteen of the Board's 22 licenses/certifications require passage of the national engineering and land surveying examinations that are developed, scored, and administered by NCEES.

Membership with NCEES is categorized into four separate regional zones: Northeast; Southern; Central; and Western Zones. California is one of 15 states or territories that comprise the Western Zone. Currently, and by vote of the Western Zone member boards, Richard Moore (the Board's Executive Officer) is serving in his third consecutive term as the 2017-19 Western Zone Secretary/Treasurer.

NCEES regularly schedules two primary member meetings on an annual basis, an Interim Zone meeting for each zone, typically held in the spring, and the Annual Meeting, which is typically held in August. Each member board of NCEES is allowed one vote during the Interim Zone meeting and again during the Annual Meeting for actions associated with changes to the established policies or procedures related to exam development, exam administration, fees charged to applicants and to the Board, model licensing criteria, and overall NCEES organizational goals. Often, the actions to be voted on at these annual meetings will result in changes to the criteria that are considered acceptable for licensure and to the content of the exams. As such, in-person attendance by California Board representatives at these meetings is critical towards ensuring that these actions are not discriminatory for California applicants and licensees and that the content of the exams is appropriate for licensure in California with due regard to protecting the public health, safety, welfare, and property.

Even though the Board only holds one-seventieth of the council votes by membership, NCEES national exam candidates seeking licensure in California represent one-fourth of all engineering and land surveying examinations nationwide on an annual basis. This statistic, coupled with the disciplinary-specific nature of California's licensing model, are primary examples for why continued active participation on the national level is critical for California constituents.

Since the last Sunset Report, the topic of multi-state licensure (a licensed individual seeking comity or reciprocal licensing in one or more additional states) has increased in

terms of discussion and focus on the national level. This requires representatives of the California Board, as well as other similar licensing boards outside of California, to be well-versed on how licensing in this regard is being conducted and accepted on a national level, all in preparation for ensuring that existing license holders from other jurisdictions are satisfying the same or equivalent criteria as California-based applicants are required to do.

Travel expenses to the meetings are funded through the member fees that the Board already pays and do not require an additional expenditure of Board funds.

Since the Board's last Sunset Report, representatives from the Board were granted approval to attend the spring Western Zone Interim Meetings and the August Annual Meetings. More recently, the Board received approval from the Business, Consumer Services, and Housing Agency and the Governor's Office to attend the 2018 Annual Meeting which was held in Scottsdale, Arizona, in August and has already secured state approval to travel for the 2019 Western Zone Interim Meeting scheduled to be held in the spring of 2019 in Boise, Idaho.

Generally speaking, representatives from the Board provide a great deal of influence and leadership at NCEES with much involvement from Board Members and staff while serving on many of the committees that are appointed each year. Former Land Surveyor Board Member Patrick Tami, P.L.S., just completed his term as the 2017-18 NCEES national President, a position occupied only one other time by a California Board representative in the almost 100-year history of NCEES, and is currently serving on the NCEES Board of Directors as the Immediate Past President.

Licensed members of the Board regularly collaborate with NCEES on the examination processes by serving on examination committees, participating in examination development workshops, and reviewing/evaluating changes to the national examination test specifications. More specifically, representatives from the Board have served on standing committees relating to Education, Finance, Examinations for Surveyors, Examinations for Engineers, Law Enforcement, and Member Board Administrators, in addition to several special purpose task forces related to technological advances affecting the practices of engineering and surveying.

National Association of State Boards of Geology (ASBOG)

The Board is an active voting member of ASBOG, a national non-profit organization composed of 30 member licensing boards from across the nation. ASBOG is dedicated to advancing professional licensure for geologists. It develops, administers, and scores the national examinations predominantly used to license geologists in the United States.

ASBOG regularly schedules Council of Examiner Workshops twice a year and an Annual Meeting usually held in the fall concurrent with the fall workshop. These meetings are generally held to evaluate examination content and determine exam policy and/or fees, and participation is critical at these meetings to ensure California's interests are expressed and that we are given consideration in decisions that will affect the Board

and its licensees. Travel expenses to attend these meetings are the responsibility of the Board, and while this travel may involve the expenditure of Board funds, it is a minimal and necessary expense to ensure that California's interests are represented on a national scale. As with the aforementioned national engineering and surveying examinations, candidates seeking licensure in California represent one-quarter of all examinations for geologist licensing nationwide, on an annual basis.

While state travel approval to attend the national ASBOG meetings is more problematic, presumably due to the Board having to incur travel expenses, the Board has received approval more often since the last Sunset Report. The 2018 ASBOG Annual Meeting and Exam Workshop was held October 30-November 1 in Monterey, California. The Board was considered the host member board for this event, which coincided with the 50th anniversary of licensing for geologists in California.

As with the aforementioned Board involvement with NCEES, California has earned a great deal of influence among the ASBOG member boards, which has not always been the case in past years. Recently the Board has been serving in a role to bring both national organizations (NCEES and ASBOG) together in an increased effort to collaborate on the national level. In addition, the Board's Staff Geologist Registrar, Laurie Racca, P.G., has been chosen to chair ASBOG's Examination Committee.

PERFORMANCE MEASURES AND CUSTOMER SATISFACTION SURVEYS

SECTION 2

Section 2
Performance Measures and Customer Satisfaction Surveys

Quarterly and Annual Enforcement Performance Measures Reports

The quarterly and annual enforcement performance measures reports for Fiscal Years (FY) 2014/15 through the first two quarters of FY 2017/18, as published on the Department of Consumers Affairs (DCA) website, are included in Section 12 – Attachments, Attachment E. DCA is revising the manner in which it displays the enforcement performance measures and has not yet published the reports for the third and fourth quarters of FY 2017/18.

The enforcement statistics and performance data are fully discussed in Section 5 – Enforcement Program of this report.

Complainant Satisfaction Survey

Since 1993, the Board has sent a Complainant Satisfaction Survey to the complainant whenever a complaint investigation case is closed, along with a self-addressed, prepaid postage envelope. The survey is sent with the letter notifying the complainant of the results of the investigation and that the case has been closed. A survey is not sent if there is no named complainant (such as anonymous complaints).

If the survey response includes questions or negative comments, the complainant is contacted to clarify concerns and/or answer any questions. However, there will always be some consumers who do not understand the limits of the Board's jurisdiction and authority and are not satisfied with the responses they receive from the Board when the outcome of the investigation is not what they wanted. For FY 2014/15 through FY 2017/18, the Board mailed 922 surveys but received only 48 responses, a 5% response rate. As has been noted by the Committees and the Board during prior Sunset Reviews, the Board receives very few completed surveys in comparison to the number mailed. The Board is currently evaluating other methods for obtaining a higher response rate.

A number of the responses received are typically from people who are dissatisfied with the outcome of the investigation of their complaints. That dissatisfaction usually arises from a lack of understanding of the Board's jurisdictional authority and legislative mandate to protect all of the public of California, rather than to provide satisfaction to one individual consumer. This is illustrated by the decrease in the percentage of positive responses for Questions 6 and 7 in the table that follows. This is also illustrated by the decreased satisfaction with the time it took to resolve the matter over the course of the four fiscal years represented (Question 5), which is in stark contrast to the decrease in processing times of cases (See Table 9a. for Enforcement Statistics). It is also noted that there were a number of neutral responses, and with so few responses received, the positive response percentage could be considered as significantly skewed.

Furthermore, despite the various dissatisfied responses to various questions, it is noted that the majority of those who responded found the representative understood the problem, found the process to be fair, would contact the Board again, or refer the Board to others. This is an indication of outside acknowledgment that the Board is succeeding in continuing to process complaints with fairness to the parties involved.

FY 2014/15 – FY 2017/18 COMPLAINANT SATISFACTION SURVEY RESULTS				
	Percentage of Positive Reponses			
QUESTIONS	2014/15	2015/16	2016/17	2017/18
1 Was our representative courteous?	78%	87%	77%	73%
2 Did you feel that the representative who handled your complaint understood your problem?	78%	54%	85%	82%
3 Were you made aware that your complaint was closed?	78%	94%	92%	82%
4 Did our representative deal with your problem in a fair and reasonable manner?	78%	60%	77%	82%
5 How satisfied were you with the time it took for us to resolve your complaint?	55%	27%	70%	64%
6 How satisfied were you with the explanation you were provided regarding the outcome of your complaint?	89%	47%	85%	73%
7 Overall, how satisfied were you with the way in which we handled your complaint?	89%	34%	85%	64%
8 Would you contact us again in a similar situation?	89%	80%	92%	82%
9 Would you recommend us to a friend or family member experiencing a similar situation?	78%	67%	92%	82%
TOTAL NUMBER OF RESPONSES RECEIVED	9	15	13	11

The following is a sampling of the comments, both negative and positive, received on the Complainant Satisfaction Surveys:

"Thank you for the resolution of my issue."

"[The Board's Enforcement Analyst] was very understanding and helpful. I appreciate her help as a professional."

"This took a very long time."

"Our Committee feels that the faster response on your part is key to effective enforcement, which results in more compliance with State laws by the licensees."

"Thank you for your response but I am disappointed with your decision."

"Highly discriminatory against victims. Board tries protecting its members with no regards to the victim's loss of time and frustration."

"The outcome was fair only the length of time and the required prompting was frustrating."

"[The Board's Enforcement Analyst] was very responsive and fair and always available."

"Every person I spoke to starting with [the Board's Enforcement Analyst] to [the assigned Deputy Attorney General] was so helpful, so encouraging and I must say – comforting. Thank you from the bottom of my heart."

"Board Staff has always been courteous and helpful."

"My opinion: if the Board stood strong and hold up some monetary fine, infractions may be reduced."

I am disappointed that there was no penalty placed on the individual or company. That fact is unacceptable."

FISCAL AND STAFF

SECTION 3

Section 3
Fiscal and Staff

Fiscal Issues and Fund Condition

As a Special Fund agency, the Board receives no General Fund support and relies solely on fees set by statute, which are collected as licensing and renewal fees.

The Board's budget authority is the Professional Engineer's, Land Surveyor's, and Geologist's Fund (0770). The Fund is appropriated from the Governor under the Business, Consumer Services and Housing Agency to DCA. As such, the Board's Fund is not considered to be a "continuously appropriated fund." The Reserve level for the program is defined in B&P Code Section 128.5(a) as "an amount that equals or is more than the agency's operating budget for the next two fiscal years." This law also requires a fee change to reduce surplus funds if the reserve exceeds 24 months.

As of July 31, 2018, (FI$Cal FM 12 Reports), the Reserve is projected at 6.8 months, equating to a $7.2 million fund balance reserve for economic uncertainties. Expenditures exceeded revenues by $2.0 million by the end of Fiscal Year (FY) 2017/18. The Board is utilizing FI$Cal reports issued by DCA to determine Fund balances and reserves. Tracking revenue and expenditures through FI$Cal reports has been difficult, time consuming, and at times nonexistent. On August 28, 2018, DCA issued a FI$Cal Implementation Status Update that states

> "FI$Cal is the new statewide system for budgets, accounting and procurement that the State of California has implemented for all state departments. Participation in the system is mandated by the state legislature and the Governor. DCA integrated into FI$Cal in July 2017. While the transition has and continues to be challenging, the system is working and capturing all expenditure and revenue transactions for DCA programs. During system implementation, DCA – among other state entities -- have encountered interface and other technical system issues that have hampered our ability to conduct timely month end closing and produce reconciled monthly expenditure and revenue reports."

As a result of the hurdles official year-end FI$Cal reports to close out FY 2017/18 are currently estimated for delivery March 2019.

If the fiscal structure remains unchanged, the Board is projecting a deficit will occur in FY 2020/21 and a regulatory fee increase will be required in FY 2019/20. The Board is researching a regulatory fee change, based on an evaluation of actual costs that redistributes all fees providing a more structurally sound and consistent fee structure across all licensing disciplines, while maintaining conventional Reserve levels. The Board closely monitors reserve, revenue, and expenditures presented in financial statements which are standing agenda items for all Board meetings.

Table 2. Fund Condition [1] FY 2014/15 – FY 2015/16: 0770 Engineer's & Land Surveyor's Fund [2] FY 2016/17 – FY 2019/20: 0770 Professional Engineer's, Land Surveyor's, and Geologist's Fund [2]						
(Dollars in Thousands)	**FY 2014/15**	**FY 2015/16**	**FY 2016/17**	**FY 2017/18**	**FY 2018/19**	**FY 2019/20**
Beginning Balance	$5,832	$6,991	$8,263	$10,042	$7,238	$5,381
Prior Year Adjustment	-$45	$28	$8	$0	$0	$0
General Revenues	$8,048	$8,994	$8,988	$8,822	$8,892	$8,863
Total Revenue	**$13,835**	**$16,013**	**$17,259**	**$18,864**	**$16,130**	**$14,244**
Loans to General Fund	$0	$0	$0	$0	$0	$0
Loans Repaid From General Fund	$500	$0	$3,200	$0	$800	$0
Accrued Interest, Loans to General Fund	$0	$0	$0	$0	$1,131	$0
Total Resources	**$14,335**	**$16,013**	**$20,459**	**$18,864**	**$18,061**	**$14,244**
Budget Authority					$11,828	$12,065
Expenditures	$7,336	$7,732	$9,853	$10,927		
Other Adjustments (SCO, Fi$Cal)	$9	$18	$564	$699	$852	$852
Total Expenditures	**$7,345**	**$7,750**	**$10,417**	**$11,626**	**$12,680**	**$12,917**
Fund Balance	**$6,990**	**$8,263**	**$10,042**	**$7,238**	**$5,381**	**$1,327**
Months in Reserve	**10.8**	**9.5**	**10.4**	**6.8**	**5.0**	**1.2**

Table 2. Fund Condition – 0205 Geologist and Geophysicist Account [1, 2]						
(Dollars in Thousands)	**FY 2014/15**	**FY 2015/16**	**FY 2016/17**	**FY 2017/18**	**FY 2018/19**	**FY 2019/20**
Beginning Balance	$989	$1,122	$1,132	$1,131	**N/A [2]**	**N/A [2]**
Prior Year Adjustment	$98	$66	-$1	$0		
General Revenues	$1,103	$1,083	$0	$0		
Total Resources	**$2,190**	**$2,271**	**$1,131**	**$1,131**		
Budget Authority			**N/A [2]**	**N/A [2]**		
Expenditures	$1,067	$1,136				
Other Adjustments (SCO, Fi$Cal)	$1	$3				
Total Expenditures	**$1,068**	**$1,139**				
Fund Balance	**$1,122**	**$1,132**	**$1,131**	**$1,131**		
Months in Reserve	**11.8**	**N/A [2]**	**N/A [2]**	**N/A [2]**		

NOTES:

[1] Data pulled from Analysis of Fund Condition
Assumes workload and revenue projections are realized in BY+1 and on-going
Expenditure growth projected at 2% beginning BY+1

[2] Chapter 428, Statutes of 2015, abolished the Geologist and Geophysicist Account and merged the funds into the Professional Engineer's, Land Surveyor's, and Geologist's Fund, effective July 1, 2016

General Fund Loans

The Board has one outstanding loan made to the General Fund (GF) in FY 2011/12. The initial loan amount was $5,000,000. Repayments and interest amounts are as follows:

- FY 2013/14 - $500,000 – 1.05% ($5,255.12)
- FY 2014/15 - $500,000 – 1.42% ($7,103.40)
- FY 2016/17 - $3,200,000 – 2.18% ($69,784.16)
- Total Interest Income - $82,142.68

A total of $4,200,000 has been repaid, and a scheduled repayment of $800,000 is expected in FY 2018/19 to complete all repayments of the initial loan made to the GF. Budget bill repayment language that is included on every Board loan made to the General Fund reads

> *"Director of Finance shall order the repayment of all or a portion of this loan if he or she determines that either of the following circumstances exists: (a) the fund or account from which the loan was made has a need for the moneys, or (b) there is no longer a need for the moneys in the fund or account that received the loan. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of transfer."*

The interest rate to be repaid for each loan is determined at the time of its transfer to the General Fund. The rate is computed as simple interest and is added to the original loan amount at the time the loan is repaid by the State Controller's Office.

Expenditures by Program

The Board is composed of four units – Enforcement, Licensing, Examination Development, and Administration/Executive Services – that support and enforce statute and regulation.

The Enforcement Unit receives and investigates all complaints related to professional engineering, land surveying, geology, and geophysics, and pursues disciplinary action, if warranted. This unit accounts for approximately 23%, or $2.6 million, of total expenses in FY 2017/18.

The Licensing Unit reviews and processes applications, processes licenses and certificates for all license types under the Board's authority, and licenses qualified candidates. This unit accounts for approximately 25%, or $2.9 million, of total expenses in FY 2017/18.

The Examination Development Unit develops and administers examinations, determines examination passing scores, and issues result notifications to licensure candidates. This unit accounts for approximately 21%, or $2.3 million, of total expenses in FY 2017/18.

The Administrative Services Unit supports the Enforcement, Licensing, and Examination Development Units and maintains the day-to-day operations at the Board. This unit accounts for approximately 15%, or $1.6 million, of total expenses in FY 2017/18.

DCA Pro Rata accounted for 16%, or $1.7 million, in the Fund in FY 2017/18.

Table 3. Expenditures by Program Component FY 2014/15 – FY 2015/16: 0770 Engineer's & Land Surveyor's Fund [1] FY 2016/17 – FY 2019/20: 0770 Professional Engineer's, Land Surveyor's, and Geologist's Fund [1]								
	FY 2014/15 [2]		FY 2015/16 [2]		FY 2016/17 [1, 4]		FY 2017/18 [1, 4]	
(Dollars in Thousands)	Personnel Services	OE&E [3]	Personnel Services	OE&E [3]	Personnel Services	OE&E [3]	Personnel Services	OE&E [3]
Enforcement	$ 1,045	$ 1,276	$1,053	$1,233	$1,286	$1,304	$1,109	$1,499
Examination	$ 479	$ 1,026	$483	$1,043	$853	$1,647	$924	$1,911
Licensing	$ 714	$ 247	$983	$325	$1,320	$269	$1,525	$820
Administration	$ 784	$ 301	$965	$420	$898	$450	$739	$479
Executive	$ 289	$ 60	$175	$58	$180	$37	$323	$120
DCA Pro Rata	$ -	$ 1,283	$0	$1,232	$0	$1,748	$0	$1,736
TOTALS	**$ 3,311**	**$ 4,192**	**$3,658**	**$4,312**	**$4,535**	**$5,454**	**$4,621**	**$6,564**

Table 3. Expenditures by Program Component – 0205 Geology & Geophysics [1]								
	FY 2014/15 [2]		FY 2015/16 [2]		FY 2016/17 [1]		FY 2017/18 [1]	
(Dollars in Thousands)	Personnel Services	OE&E [3]	Personnel Services	OE&E [3]	Personnel Services	OE&E [3]	Personnel Services	OE&E [3]
Enforcement	$61	$81	$88	$105	**N/A [4]**	**N/A [4]**	**N/A [4]**	**N/A [4]**
Licensing	$182	$45	$263					
Examination	$121	$545	$175	$436				
DCA Pro Rata	$0	$32	$0	$68				
TOTALS	**$364**	**$703**	**$526**	**$610**				

NOTES:

[1] Chapter 428, Statutes of 2015, abolished the Geologist and Geophysicist Account and merged the funds into the Professional Engineer's, Land Surveyor's, and Geologist's Fund, effective July 1, 2016

[2] FY 2014/15 – FY 2016/17 data pulled from CalStars FM 13 reports

[3] OE&E = Operating Expense & Equipment

[4] F Y 2017/18 data pulled from Fi$Cal FM 12 report

BreEZe Costs

DCA provided the Board with a Fund Analysis worksheet that identifies all actual and projected costs associated with the BreEZe program. Actual expenses for the Board total $1,380,033 since FY 2009/10 through FY 2016/17. Projected expenses for FY

2017/18 are $340,000 with no expenses identified in FY 2018/19. DCA has identified that a credit for FY 2017/18 should reduce the amount currently projected.

License Renewal Cycles

Professional Engineer and Land Surveyor licensees renew on a biennial cycle from the original assigned date of renewal. Renewals are staggered on a quarterly basis throughout the calendar year. Professional Geologist and Geophysicist licensees renew on a biennial cycle based on birth month and year the original license was issued.

History of Fee Changes

Legislation enacted during the 4th Extraordinary Session of 2009 (ABX4 20) eliminated the Board for Geologists and Geophysicists (BGG) and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to this Board. The transfer of authority became effective October 23, 2009. At the time, the former BGG's Geology and Geophysics Fund (0205) was not merged into the Professional Engineer's and Land Surveyor's (0770) Fund. Legislation enacted in 2016 (Bonilla, Chapter 428, AB 177) merged the Geology and Geophysics Account (0205) into the Professional Engineer's and Land Surveyor's Fund (0770). Legislation defined that the merger be effective July 1, 2016, to align with the beginning of the new Fiscal Year. All collected revenues and reported expenditures moved to the Board Fund (0770) and the remaining fund balance is scheduled to be transferred in FY 2018/19.

During the last 10 years, fee changes have affected both the Board Fund (0770) and the Geology & Geophysics Account (0205). All fee changes were based on determining the appropriate fees to support operations and provide a prudent Reserve to maintain statutory and regulatory requirements. The fee changes, as well as the implementation years are identified below.

Board Fund (0770)

- FY 2012/13 – Restructured application, exam, and renewal fees. The purpose of this regulation change was to re-align regulatory fees to account for policy modifications that required applicants to pay their national exam fees directly to the national exam administrator. The Board's fees decreased to reflect the cost of application, exam, and renewal evaluation and staff time. A complete restructuring reduced fees related to application fees ($275 to $125); application fees for the in-training certifications ($100 to $50); professional license renewal fees ($125 to $115); one-time retired license fees ($87.50 to $62.50). It also added a state-specific exam administration fee of $150.

Geology & Geophysics Account (0205)

- FY 2011/12 – Restructured fees to bring the Geology & Geophysics Program into compliance with the B&P Code § 7887 relating to examination fees fixed by the Board at an amount equal to the actual cost to the Board. The fees increased for

the national examinations. To offset this increase the Board had to adjust its fee structure to account for the additional cost.

Table 4. Fee Authority and Schedule – Engineers & Land Surveyors				
Fee Authority	**Business and Professions Code Section & Subdivision**	**California Code of Regulations, Title 16, Division 5, Article 1, Section 407 (subdivision listed below)**	**Current Fee Amount**	**Statutory Limit**
Application	6799(a)(1), 8805(a)	(b)(1-5)	Professional Engineer (PE) & Professional Land Surveyor (PLS) - $125 Engineer-in-Training (EIT) & Land Surveyor-in-Training (LSIT) - $50	PE & PLS – $400 EIT & LSIT - $100
Examination	6799(a)(2), 8805(b)	(c)(1-5)	State Specific - $150 National fees set by vendor	No greater than actual cost of the development and administration
Biennial Renewal	6799(a)(3), 8805(c)	(d)	$115	$400
Retired License	6799(a)(4), 8805(d)	(f)	$62.50	Not more than 50% of PE or PLS application fee in effect at the time
Delinquency Biennial Renewal	6799(a)(5), 8805(e)	N/A	$57.50	Not more than 50% of the renewal fee in effect on the date of reinstatement

Table 4. Fee Authority and Schedule – Geologists & Geophysicists				
Fee Authority	**Business and Professions Code 7887 (subdivision listed below)**	**California Code of Regulations Title 16, Division 29, Article 1, Section 3005 (subdivision listed below)**	**Current Fee Amount**	**Statutory Limit**
Application	(a)	(b)(1-2)	$250	$250
Examination	(g), (h)	(c)(1-5)	Professional Geologist (PG) California State Exam - $150 National PG - $250 National Fundamentals of Geology (FG) - $150 Professional Geophysicist (PGp) - $100 Certified Engineering Geologist (CEG) & Certified Hydrogeologist (CHG) - $100	PG – Amount equal to the actual cost to administer the examination PGp, CEG, & CHG – Amount equal to the actual cost for the development and maintenance of the exam but not more than $100
Initial License	(b)	N/A	PG & PGp - $270 or $135 CEG & CHG - $67.50 or $33.75	Amount equal to renewal fee in effect on last regular renewal date before the date on which the license is issued unless the license will expire less than one year after issuance, in which case in an amount equal to 50% of the renewal fee
Biennial Renewal	(d), (e)	(e)(1-2)	PG & PGp - $270 CEG & CHG - $67.50	PG & PGp - $400 CEG & CHG - $100
Retired License	(i)	(h)	$62.50	Not more than 50% of PG or PGp application fee in effect at the time
Delinquency Biennial Renewal	(f)	(f)	PG & PGp - $135 CEG & CHG - $33.75	Not more than 50% of the renewal fee in effect on the last regular renewal date

Table 4. Fee Revenue FY 2014/15 – FY 2015/16: 0770 Engineer's & Land Surveyor's Fund [1] FY 2016/17 – FY 2019/20: 0770 Professional Engineer's, Land Surveyor's, and Geologist's Fund [1] (list revenue dollars in thousands)					
Fee	FY 2014/15 [2]	FY 2015/16 [2]	FY 2016/17 [1, 2]	FY 2017/18 [3]	% of Total Revenue
Application	$ 1,157	$ 1,201	$ 802	$ 412	5%
Certification	$ 144	$ 140	$ 153	$ 165	2%
Examination	$ 1,344	$ 1,344	$ 1,460	$ 1,063	12%
Initial License [4]	N/A	N/A	$ 26	$ 27	0%
Biennial Renewal	$ 5,278	$ 6,084	$ 6,189	$ 6,851	77%
Retired License	$ 26	$ 31	$ 28	$ 29	0%
Delinquency Biennial Renewal	$ 59	$ 73	$ 91	$ 88	1%
Misc Revenue	$ 132	$ 292	$ 305	$ 282	3%

Table 4. Fee Revenue – 0205 Geologist and Geophysicist Account [1] (list revenue dollars in thousands)					
Fee	FY 2014/15 [2]	FY 2015/16 [2]	FY 2016/17 [1]	FY 2017/18 [1]	% of Total Revenue
Application	$ 132	$ 131	**N/A [1]**	**N/A [1]**	**N/A [1]**
Examination	$ 122	$ 123			
Initial License	$ 20	$ 24			
Biennial Renewal	$ 801	$ 768			
Retired License	$ 1	$ 1			
Delinquency Biennial Renewal	$ 16	$ 20			

NOTES:

[1] Chapter 428, Statutes of 2015, abolished the Geologist and Geophysicist Account and merged the funds into the Professional Engineer's, Land Surveyor's, and Geologist's Fund, effective July 1, 2016

[2] FY 2014/15 - FY 2016/17 data pulled from CalStars FM 13 reports

[3] FY 2017/18 data pulled from Fi$Cal FM 12 report

[4] Initial License Fee applies to geologists and geophysicists

Budget Change Proposal History

FY 2016/17

BCP # 1111-025-BCP-BR-2016-GB

The Board received approval to redirect special fund augmentation authority of $118,000 to fund 1.0 Personnel Selection Consultant I (PSC I) position in the Examination Development Unit and $110,000 ongoing to provide analytical and technical expertise in-house relative to the design, development, and verification of the Board's licensing examinations for psychometric services. The Board develops 9 state examinations for approximately 8,000 test takers annually seeking licensure.

Table 5. Budget Change Proposals (BCPs) - 0770 Engineers & Land Surveyors

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	$ Requested	$ Approved	$ Requested	$ Approved
1111-025-BCP-DP-2016-GB	2016-17	PSC I to provide analytical and technical expertise in–house relative to the design, development, and verification of the Board's licensing examinations and reduce contracting out for Psychometrician services.	1.0 Personnel Selection Consultant I	1.0 Personnel Selection Consultant I	$118,000	$118,000	0	0

Staffing Issues

Vacancy Rates and Efforts to Reclassify Positions

The overall vacancy rates for the Board are as follows:

- FY 2014/2015: 7.0%
- FY 2015/2016: 2.3%
- FY 2016/2017: 4.6%
- FY 2017/2018: 6.2%

Currently, the Board is seeking to fill one of the Senior Registrar (SR) classification positions that would support licensing, exams, and enforcement, specifically with regards to civil engineering. The Licensing Unit is also recruiting to fill one Associate Governmental Program Analyst (AGPA) position and two Program Technician (PT) II positions to support unit functions and application evaluation. It is anticipated that these positions will be filled by the time this report is submitted. Vacancy rates and staff turnover have always been historically low. Our recruitment is intermittent and, as a result of low vacancy and turnover rates, our retention is high.

Training and Development

Staff training is necessary to enhance and improve skills, performance, and customer service. The Board's mission is principally focused on consumer protection. Purposeful staff training and development support the Board's service delivery and support the achievement of its mission.

DCA administers a wide variety of classes through their Strategic Organization, Leadership and Individual Development (SOLID) program. Courses that SOLID provides are free to the Board staff. With a vast selection of courses to choose from, the Board staff has the ability to learn and enhance their skills at any time in any class or way that they choose.

Additionally, the Board can arrange more specific training for any staff whose duties require more specialized knowledge than those offered by SOLID. In these instances, the Board has the ability to contract with outside organizations as budgetary limitations allow. The following are the annual expenditures by fiscal year for this "outside" training:

- FY 2014/15 $1,210.00
- FY 2015/16 $ 420.00
- FY 2016/17 $ 209.00
- FY 2017/18 $ 710.00

LICENSING PROGRAM

SECTION 4

Section 4
Licensing Program

Application Processing

There are several factors preventing the Board from efficiently tracking specific processing times for the applications it receives. The Board's application guidelines are governed by different statutory requirements. Final filing dates for the applications are also variable. The majority of applications for licensure as a professional engineer or a professional land surveyor may be submitted at any time throughout the year whenever the applicant believes they meet the qualifying experience requirements for licensure, including passing any required national examinations. Applicants for licensure in the geology and geophysics professions still must meet filing deadlines due to the need to schedule for national and state exams that are administered only once per year on a specific date.

The process involved in application review makes it difficult to accurately assess whether pending applications have grown at a rate that exceeds completed applications. Since the Board is just beginning its implementation toward continuous testing, some licensure exams are still scheduled on a bi-annual basis, especially national examinations which are scheduled by the national examination vendor to occur on the same date nationwide. At that time, pending applications are greater than completed applications. This has historically been the standard for application processing. However, this stabilizes within two months of each application deadline date. Until all of the examinations are implemented as continuous testing, this will continue to be the pattern. The Board continues to evaluate its internal processes to identify where improvement may be needed and implements those necessary changes.

In FY 2016/17, the Board performed an internal reorganization of staff from three units into four units to better address the administrative, examination, licensing, and enforcement functions of the Board. The Licensing Unit was split back into two units. Previously, the unit associated with examination functions was combined with the application-processing unit to form a single unit. It had been anticipated that the integration of these units would help to increase communication, training, and direction to improve the processing time of applications and the efficiency of issuing new licenses. In three years, the Board did not see the results it had anticipated and decided to separate the units. Having the units separate again has allowed each unit to have its own manager who can focus on the needs and development of that specific unit.

The Board completed its required processes in 2013 to enable it to hire a licensed Geologist Registrar and, in 2015, was finally able to appoint a full-time Geologist Registrar. The addition of the new staff position has allowed technical review of applications to be done on a flow basis, thus improving the application review and approval processing time and providing consistency throughout all application review. The Geologist Registrar has also served as a technical resource for all geological matters relating to the Board and has participated in outreach events on behalf of the Board.

The Board continues to use the DCA legacy systems for licensing and application processing (the Consumer Affairs System (CAS) and the Applicant Tracking System (ATS)). These systems are antiquated and requests for updates/fixes can be a lengthy, costly, and, in some cases, despite the best efforts of DCA support personnel, non-existent. The lengthy process for updates or correction can significantly affect the processing of applications, which may delay the licensing of applicants.

The Board has traditionally had two exam cycles per year: one in the spring, and one in the fall. However, as the Board continues to move toward implementing more flexible opportunities to accommodate the exam needs of our candidates, exams are now being administered in several ways: continuously, once a year, twice a year, and in one-week windows. The Board does not track pending applications because, historically, there has not been a need because all applications received by the deadline date are processed before the exam cycle ends (usually a span of 2-3 months). As such, there are no pending applications by the time the exams are administered.

During the application process, the Board checks prior unlawful acts of the applicant. The application form contains a question requiring the applicant to notify the Board of any criminal history and to provide the Board with any related court documents. This question requires the applicant to answer under penalty of perjury (acknowledged when they sign the application). The Licensing and Enforcement Units utilize court records and statements and information from the applicants to complete a thorough review of all issues prior to issuing a license. All information is reviewed to determine if the crimes or acts are substantially related, as defined in the Board's regulations (16 CCR 416 and 3060), to professional practice based on the license type for which the applicant is applying. Additionally, any evidence of rehabilitation submitted by the applicant is reviewed and considered, as required by the Board's regulations (16 CCR 418 and 3061). Following this review, a determination is made whether the application for licensure should be denied based on the crimes or acts in order to ensure protection of the public. In the last four fiscal years, the Board has not denied any applications based on a criminal conviction.

Beginning July 1, 2015, the Board required all new applicants to furnish to the Department of Justice (DOJ) a full set of fingerprints for conducting a criminal history record check and to undergo a state and federal level criminal offender record information search, conducted through DOJ. This requirement applies only to new licensees, effective July 1, 2015. It does not apply to anyone who was licensed before that date unless they apply for a new license. The legislation (SB 543, Ch. 448, Stats.2011) that authorized the Board to obtain criminal history information specified that it would apply only to individuals seeking a new license and not to those already licensed (B&P Code § 144(c)), even though the Board had sought to be able to obtain criminal history on all licensees as well as applicants.

The Board has not sent "No Longer Interested" notifications to DOJ because the fingerprint/criminal history program only became effective July 1, 2015. Therefore, the

individuals who have submitted fingerprints are either still in the process of obtaining licensure or have obtained, and are now maintaining, a license. As such, the Board is still interested in receiving criminal history reports and subsequent arrest reports for them. The Board will send "No Longer Interested" notifications to DOJ when it is appropriate.

NCEES maintains an enforcement database that can be used by member boards to communicate disciplinary actions for engineering and surveying licensees. Board staff can look up disciplinary actions entered by other NCEES member boards. However, the database is not used by all member boards.

All educational transcripts, submitted by applicants desiring equivalent experience credit for education, must be sealed and issued by the institution. In addition, the Engagement Record and Reference Form (for engineers and land surveyors) and the Independent Evaluation form (for geologists and geophysicists) must be original documents, signed and sealed by the reference. In addition, all court documents submitted must be certified by the court.

All out-of-state and out-of-country applicants must meet the same requirements as in-state applicants. All foreign language documents must be accompanied by a notarized English translation. The Board does not accept credentialed evaluations of educational transcripts. All work experience claimed by an out-of-state or out-of-country applicant must be accompanied by an engagement record and reference form completed by an individual who is licensed or otherwise lawfully authorized in the jurisdiction in which the work experience was gained and who was in responsible charge of the stated work at the time of the engagement.

The Board includes on every application for licensure a question asking if the applicant is serving in, or has previously served in, the military. However, applicants are not required to answer this question. Therefore, any statistical data regarding this information would not necessarily be reflective of the actual status of all applicants.

Education and experience gained while serving in the military has always been considered when determining eligibility for licensure, just as education and experience from non-military sources is considered. As long as the education and work experience meet the qualifying requirements of the Board's laws and regulations, it does not matter if they were gained while the applicant was serving in the military. As such, it is unnecessary for the Board to adopt any regulations pursuant to B&P Code § 35. The actual number of applicants claiming military experience on their application is unknown, as this information is not tracked.

Since the last Sunset Review, the Board has received six license renewals from active duty military personnel under the provisions of B&P Code §114.3. The Board has waived the delinquency fees, but not the renewal fees, for three of the licensees. The other three remain on active duty military status. Licensees are always responsible to keep their licenses current. If military service prevents them from doing so, the Board

will waive any delinquency fees that may accumulate during their active military service. There has been only a minor, negligible effect on the Board's revenues.

The Board has not received any applications from active duty military spouses/registered domestic partners that meet the requirements for expedited licensure processing under the provisions of B&P Code §115.5. The Board does provide information on its website and its application forms regarding who qualifies for the expedited application process and what information must be submitted as proof of qualification.

Table 6. Licensee Population

License Type	Status	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Agricultural Engineer	Active	120	121	124	126
	Delinquent	46	46	46	46
	Retired	33	35	37	40
	Out of State	32	32	32	32
	Out of Country	1	1	1	1
Chemical Engineer	Active	1,814	1,853	1,910	1,965
	Delinquent	267	268	269	269
	Retired	93	108	114	127
	Out of State	462	468	477	492
	Out of Country	9	10	10	11
Civil Engineer	Active	52,988	54,488	56,273	57,513
	Delinquent	3,886	3,896	3,898	3,902
	Retired	1,733	1,938	2,120	2,321
	Out of State	12,528	12,913	13,367	13,630
	Out of Country	605	609	621	629
Consulting Engineer	Active	4	4	4	4
	Delinquent	6	6	6	6
	Retired	4	4	4	4
	Out of State	1	1	1	1
	Out of Country	0	0	0	0
Corrosion Engineer	Active	166	166	166	166
	Delinquent	63	63	63	63
	Retired	40	41	42	45
	Out of State	90	90	90	90
	Out of Country	0	0	0	0
Control Systems Engineer	Active	872	896	906	936
	Delinquent	414	414	414	414
	Retired	269	283	305	309
	Out of State	282	288	293	301
	Out of Country	4	4	4	4

Table 6. Licensee Population (continued)					
License Type	Status	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Electrical Engineer	Active	9,264	9,578	9,933	10,387
	Delinquent	1,189	1,194	1,196	1,198
	Retired	482	521	578	608
	Out of State	3,170	3,310	3,450	3,686
	Out of Country	55	57	58	60
Fire Protection Engineer	Active	711	734	774	824
	Delinquent	117	118	118	118
	Retired	60	62	68	71
	Out of State	365	381	400	433
	Out of Country	7	7	8	9
Geotechnical Engineer	Active	1,356	1,367	1,382	1,410
	Delinquent	105	105	105	105
	Retired	51	61	67	78
	Out of State	202	205	209	212
	Out of Country	8	8	8	8
Industrial Engineer	Active	279	282	286	290
	Delinquent	176	176	176	176
	Retired	141	145	152	155
	Out of State	86	87	88	89
	Out of Country	1	1	1	1
Mechanical Engineer	Active	14,122	14,566	15,061	15,546
	Delinquent	1,920	1,926	1,929	1,934
	Retired	715	808	882	962
	Out of State	4,421	4,598	4,744	4,946
	Out of Country	130	133	135	135
Manufacturing Engineer	Active	274	274	274	274
	Delinquent	244	244	244	244
	Retired	186	195	202	203
	Out of State	116	116	116	116
	Out of Country	7	7	7	7
Metallurgical Engineer	Active	180	189	192	198
	Delinquent	65	65	65	65
	Retired	41	47	49	54
	Out of State	51	54	55	58
	Out of Country	1	1	1	1
Nuclear Engineer	Active	317	317	318	319
	Delinquent	179	179	179	179
	Retired	123	142	148	153
	Out of State	147	147	148	148
	Out of Country	1	1	1	1
Petroleum Engineer	Active	306	310	311	321
	Delinquent	56	56	56	56
	Retired	21	24	27	32
	Out of State	153	155	156	157
	Out of Country	5	5	5	6

Table 6. Licensee Population (continued)					
License Type	Status	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Photogrammetric Surveyor	Active	1	1	1	1
	Delinquent	0	0	0	0
	Retired	1	1	1	1
	Out of State	0	0	0	0
	Out of Country	0	0	0	0
Professional Land Surveyor	Active	3,945	4,016	4,108	4,173
	Delinquent	331	331	331	331
	Retired	198	230	248	275
	Out of State	606	609	618	625
	Out of Country	6	6	6	6
Quality Engineer	Active	324	324	324	324
	Delinquent	318	318	318	318
	Retired	249	260	271	277
	Out of State	167	167	167	167
	Out of Country	2	2	2	2
Safety Engineer	Active	287	287	287	287
	Delinquent	181	181	181	181
	Retired	139	149	152	156
	Out of State	144	144	144	144
	Out of Country	0	0	0	0
Structural Engineer	Active	3,982	4,099	4,229	4,350
	Delinquent	280	280	280	280
	Retired	129	140	149	164
	Out of State	917	954	988	1,045
	Out of Country	34	34	34	34
Traffic Engineer	Active	1,422	1,454	1,486	1,523
	Delinquent	177	177	177	177
	Retired	109	117	125	136
	Out of State	146	151	153	155
	Out of Country	7	7	7	7
Professional Geologist	Active	4,820	4,918	5,022	5,147
	Delinquent	473	475	477	477
	Retired	6	21	42	63
	Out of State	982	993	1,008	1,026
	Out of Country	31	31	31	31
Certified Engineering Geologist	Active	1,430	1,453	1,478	1,489
	Delinquent	149	149	149	149
	Retired	2	7	12	21
	Out of State	168	170	171	172
	Out of Country	7	7	7	7

Table 6. Licensee Population					
License Type	Status	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Certified Hydrogeologist	Active	887	899	920	931
	Delinquent	45	45	45	45
	Retired	0	1	4	7
	Out of State	116	116	118	120
	Out of Country	4	4	4	4
Professional Geophysicist	Active	140	144	149	154
	Delinquent	35	35	35	35
	Retired	3	4	5	6
	Out of State	56	58	61	64
	Out of Country	4	4	4	4

NOTE: "Out of State" and "Out of Country" are two mutually exclusive categories. A licensee is not counted in both.

Table 7a. Licensing Data by Type				
Agricultural Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	3	4	N/A
	Licenses	N/A	N/A	1
	Renewals	N/A	N/A	81
FY 2016/17	Applications	5	4	N/A
	Licenses	N/A	N/A	3
	Renewals	N/A	N/A	51
FY 2017/18	Applications	2	0	N/A
	Licenses	N/A	N/A	2
	Renewals	N/A	N/A	74
Chemical Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	86	70	N/A
	Licenses	N/A	N/A	39
	Renewals	N/A	N/A	1005
FY 2016/17	Applications	69	84	N/A
	Licenses	N/A	N/A	57
	Renewals	N/A	N/A	927
FY 2017/18	Applications	40	49	N/A
	Licenses	N/A	N/A	55
	Renewals	N/A	N/A	926
Civil Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	6518	6292	N/A
	Licenses	N/A	N/A	1500
	Renewals	N/A	N/A	29,278
FY 2016/17	Applications	5185	5206	N/A
	Licenses	N/A	N/A	1785
	Renewals	N/A	N/A	27,206
FY 2017/18	Applications	3216	3240	N/A
	Licenses	N/A	N/A	1240
	Renewals	N/A	N/A	29,313
Consulting Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	0
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	2
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	1

Table 7a. Licensing Data by Type (continued)				
Corrosion Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	130
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	54
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	114
Control Systems Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	27	33	N/A
	Licenses	N/A	N/A	24
	Renewals	N/A	N/A	380
FY 2016/17	Applications	21	23	N/A
	Licenses	N/A	N/A	10
	Renewals	N/A	N/A	576
FY 2017/18	Applications	19	26	N/A
	Licenses	N/A	N/A	30
	Renewals	N/A	N/A	353
Electrical Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	803	760	N/A
	Licenses	N/A	N/A	314
	Renewals	N/A	N/A	4,997
FY 2016/17	Applications	489	466	N/A
	Licenses	N/A	N/A	355
	Renewals	N/A	N/A	4,924
FY 2017/18	Applications	378	409	N/A
	Licenses	N/A	N/A	454
	Renewals	N/A	N/A	5,088
Fire Protection Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	53	45	N/A
	Licenses	N/A	N/A	23
	Renewals	N/A	N/A	387
FY 2016/17	Applications	40	46	N/A
	Licenses	N/A	N/A	40
	Renewals	N/A	N/A	403
FY 2017/18	Applications	26	38	N/A
	Licenses	N/A	N/A	50
	Renewals	N/A	N/A	409

Table 7a. Licensing Data by Type (continued)				
Geotechnical Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	56	50	N/A
	Licenses	N/A	N/A	11
	Renewals	N/A	N/A	775
FY 2016/17	Applications	61	56	N/A
	Licenses	N/A	N/A	15
	Renewals	N/A	N/A	567
FY 2017/18	Applications	85	81	N/A
	Licenses	N/A	N/A	28
	Renewals	N/A	N/A	747
Industrial Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	6	9	N/A
	Licenses	N/A	N/A	3
	Renewals	N/A	N/A	97
FY 2016/17	Applications	6	5	N/A
	Licenses	N/A	N/A	4
	Renewals	N/A	N/A	199
FY 2017/18	Applications	7	3	N/A
	Licenses	N/A	N/A	4
	Renewals	N/A	N/A	98
Manufacturing Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	154
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	146
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	129
Mechanical Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	888	857	N/A
	Licenses	N/A	N/A	444
	Renewals	N/A	N/A	8,602
FY 2016/17	Applications	558	626	N/A
	Licenses	N/A	N/A	495
	Renewals	N/A	N/A	6,603
FY 2017/18	Applications	386	382	N/A
	Licenses	N/A	N/A	485
	Renewals	N/A	N/A	8,566

Table 7a. Licensing Data by Type (continued)				
Metallurgical Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	11	12	N/A
	Licenses	N/A	N/A	9
	Renewals	N/A	N/A	129
FY 2016/17	Applications	5	8	N/A
	Licenses	N/A	N/A	3
	Renewals	N/A	N/A	81
FY 2017/18	Applications	1	5	N/A
	Licenses	N/A	N/A	6
	Renewals	N/A	N/A	111
Nuclear Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	1	0	N/A
	Licenses	N/A	N/A	0
	Renewals	N/A	N/A	268
FY 2016/17	Applications	0	1	N/A
	Licenses	N/A	N/A	1
	Renewals	N/A	N/A	92
FY 2017/18	Applications	1	1	N/A
	Licenses	N/A	N/A	1
	Renewals	N/A	N/A	229
Petroleum Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	8	7	N/A
	Licenses	N/A	N/A	4
	Renewals	N/A	N/A	183
FY 2016/17	Applications	10	10	N/A
	Licenses	N/A	N/A	1
	Renewals	N/A	N/A	138
FY 2017/18	Applications	4	8	N/A
	Licenses	N/A	N/A	10
	Renewals	N/A	N/A	178
Photogrammetric Surveyor		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	1
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	0
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	0

Table 7a. Licensing Data by Type (continued)				
Professional Land Surveyor		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	389	366	N/A
	Licenses	N/A	N/A	71
	Renewals	N/A	N/A	1,909
FY 2016/17	Applications	325	321	N/A
	Licenses	N/A	N/A	92
	Renewals	N/A	N/A	2,224
FY 2017/18	Applications	213	218	N/A
	Licenses	N/A	N/A	65
	Renewals	N/A	N/A	1,853
Quality Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	162
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	192
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	140
Safety Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	193
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	114
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses issued
	Renewals	N/A	N/A	166

Table 7a. Licensing Data by Type (continued)				
Structural Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	426	371	N/A
	Licenses	N/A	N/A	117
	Renewals	N/A	N/A	2,133
FY 2016/17	Applications	293	311	N/A
	Licenses	N/A	N/A	130
	Renewals	N/A	N/A	1,911
FY 2017/18	Applications	188	185	N/A
	Licenses	N/A	N/A	121
	Renewals	N/A	N/A	2,238
Traffic Engineer		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	79	61	N/A
	Licenses	N/A	N/A	32
	Renewals	N/A	N/A	799
FY 2016/17	Applications	122	154	N/A
	Licenses	N/A	N/A	32
	Renewals	N/A	N/A	675
FY 2017/18	Applications	74	70	N/A
	Licenses	N/A	N/A	37
	Renewals	N/A	N/A	810
Professional Geologist		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	248	226	N/A
	Licenses	N/A	N/A	98
	Renewals	N/A	N/A	2,436
FY 2016/17	Applications	323	269	N/A
	Licenses	N/A	N/A	104
	Renewals	N/A	N/A	2,554
FY 2017/18	Applications	323	299	N/A
	Licenses	N/A	N/A	125
	Renewals	N/A	N/A	2,407
Certified Engineering Geologist		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	45	51	N/A
	Licenses	N/A	N/A	23
	Renewals	N/A	N/A	734
FY 2016/17	Applications	34	40	N/A
	Licenses	N/A	N/A	25
	Renewals	N/A	N/A	761
FY 2017/18	Applications	43	38	N/A
	Licenses	N/A	N/A	11
	Renewals	N/A	N/A	705

Table 7a. Licensing Data by Type (continued)				
Certified Hydrogeologist		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	31	22	N/A
	Licenses	N/A	N/A	12
	Renewals	N/A	N/A	435
FY 2016/17	Applications	23	30	N/A
	Licenses	N/A	N/A	21
	Renewals	N/A	N/A	475
FY 2017/18	Applications	29	34	N/A
	Licenses	N/A	N/A	11
	Renewals	N/A	N/A	438
Professional Geophysicist		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	9	8	N/A
	Licenses	N/A	N/A	4
	Renewals	N/A	N/A	69
FY 2016/17	Applications	10	9	N/A
	Licenses	N/A	N/A	5
	Renewals	N/A	N/A	84
FY 2017/18	Applications	3	6	N/A
	Licenses	N/A	N/A	5
	Renewals	N/A	N/A	68
Engineer-In-Training		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	2,704	2,561	N/A
	Licenses	N/A	N/A	2561
	Renewals	N/A	N/A	N/A
FY 2016/17	Applications	2961	2,670	N/A
	Licenses	N/A	N/A	2670
	Renewals	N/A	N/A	N/A
FY 2017/18	Applications	3,018	3,410	N/A
	Licenses	N/A	N/A	3410
	Renewals	N/A	N/A	N/A
Geologist-In-Training		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	153	155	N/A
	Licenses	N/A	N/A	82
	Renewals	N/A	N/A	N/A
FY 2016/17	Applications	222	205	109
	Licenses	N/A	N/A	N/A
	Renewals	N/A	N/A	N/A
FY 2017/18	Applications	225	232	82
	Licenses	N/A	N/A	N/A
	Renewals	N/A	N/A	N/A

Table 7a. Licensing Data by Type (continued)				
Land Surveyor-In-Training		**Received**	**Approved**	**Issued**
FY 2015/16	Applications	54	49	N/A
	Licenses	N/A	N/A	49
	Renewals	N/A	N/A	N/A
FY 2016/17	Applications	61	50	N/A
	Licenses	N/A	N/A	50
	Renewals	N/A	N/A	N/A
FY 2017/18	Applications	77	52	N/A
	Licenses	N/A	N/A	52
	Renewals	N/A	N/A	N/A

Table 7b. Total Licensing Data			
	FY 2015/16	FY 2016/17	FY 2017/18
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	12,598	10,823	8,358
Initial License/Initial Exam Applications Approved	12,009	10,594	8,776
License Issued	5,339	5,889	6,206
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete) *	N/A	N/A	N/A
Average Days to Application Approval (incomplete applications) *	N/A	N/A	N/A
Average Days to Application Approval (complete applications) *	N/A	N/A	N/A
License Renewal Data:			
License Renewed	55,336	50,959	55,161

NOTES: The values in Table 7b are the aggregates of values contained in Table 7a.
*The Board does not track average days to application approval.

Examinations Required for Licensure

The Board utilizes both national and state developed exams as a part of the criteria to measure competency for licensure. NCEES develops, administers, and scores the national engineering and surveying examinations; ASBOG develops and scores the national geology examinations. All of the examinations utilized by the Board, including both national and state exams, are administered in English.

National Examinations

NCEES administers its paper and pencil exams to California-approved candidates in the engineering disciplines, alleviating the Board of concerns pertaining to the liability of handling the large volume of national exam booklets on a biannual basis. NCEES

began a phased conversion to Computer Based Testing (CBT) administration in January 2014 by offering the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams on a continuous, year-round basis. The CBT transition has continued since then to also include the Principles of Surveying (PS) exam, the Chemical Engineer (CH) exam, and the Nuclear Engineer (NU) exam. NCEES anticipates the CBT transition continuing over the next four to six years until all their exams are administered by CBT.

All national exams for geologists are developed and scored by ASBOG. The Board administers these exams biannually as pencil and paper exams. ASBOG is not currently scheduled to transition to CBT in the immediate future. However, ASBOG is looking into the process to transition, and the Board has offered to assist ASBOG in the transition to CBT by providing guidance through their exploratory period.

State Specific Examinations

All of the Board's state exams are administered via CBT. This is accomplished through a collaborative effort with Prometric, our psychometric exam vendor. The Board provides the vendor with lists of eligible candidates, which are uploaded onto the vendor's system. This enables the candidate to schedule appointments to take the exam at the vendor's test centers, which are located throughout the United States.

In addition to all state exams being administered via CBT, the Board's two state-specific Civil Engineer (Seismic Principles and Engineering Surveying) exams were made available to candidates on a year-round basis beginning April 1, 2018. Approved candidates may take each exam once per quarter, up to four times per year. The continuous testing format allows eligible candidates the opportunity to become licensed as they become qualified on a year-round basis, instead of twice a year. Another benefit of this change is that there is no longer a final filing date to submit an application for this license. Candidates can apply year-round and, once approved, can schedule their exams on any available date within their qualified quarter. Once tested, unsuccessful candidates can reapply for the next qualified quarter.

Testing industry psychometricians recommend that an Occupational Analysis (OA) be conducted on occupational certification and licensing examinations every five to seven years. The purpose of the OA is to identify and capture any advancements or changes to the regulated practice so as to ensure that the examinations accurately reflect both the actual practice and the statutory definition of the practice.

The Board began its most recent OAs for all of its state exams in 2017. It is anticipated that all OAs will be completed by 2019. NCEES and ASBOG also conduct OAs on their examinations. Annually, the Board reports the status of its examination monitoring with respect to OAs for all pertinent national and state exams in the B&P Code section 139 report provided to DCA.

Table 8. Examination Statistical Data						
California State-Specific Examinations						
License Type		Professional Geologist	Professional Geophysicist	Certified Engineering Geologist	Certified Hydrogeologist	
Exam Title		California State Exam (CSE)	Professional Geophysicist (PGp)	Certified Engineering Geologist (CEG)	Certified Hydrogeologist (CHG)	
Admin. Method		CBT	CBT	CBT	CBT	
Admin. By Whom / How Often Annually		Board / Twice	Board / Once	Board / Once	Board / Once	
FY 2014/15	Pass %	41%	17%	26%	48%	
FY 2015/16	Pass %	65%	50%	49%	67%	
FY 2016/17	Pass %	51%	56%	62%	78%	
FY 2017/18	Pass %	51%	83%	30%	50%	
Date of Last OA		2013	2014	2013	2013	
OA Developer		Prometric	Prometric	Prometric	Prometric	
Target OA Date		2018	2019	2018	2018	
License Type		Civil Engineer	Civil Engineer	Traffic Engineer	Professional Land Surveyor	Geotechnical Engineer
Exam Title		Seismic Principles	Engineering Surveying	Traffic Engineer	Professional Land Surveyor State Exam	Geotechnical Engineer
Admin. Method		CBT	CBT	CBT	CBT	CBT
Admin. By Whom / How Often Annually		Board / Twice	Board / Twice	Board / Once	Board / Once	Board / Once
FY 2014/15	Pass %	48%	45%	66%	24%	N/A ♦
FY 2015/16	Pass %	48%	45%	48%	20%	23%
FY 2016/17	Pass %	50%	49%	38%	24%	38%
	Pass %	43%	48%	32%	23%	34%
Date of Last OA		2017	2017	2018	2018	2018
OA Developer		Prometric	Prometric	Prometric	Prometric	Prometric
Target OA Date		2023	2023	2024	2024	2024

♦ The Geotechnical Engineer Exam was not administered in 2014 in preparation for it to be offered as a continuous administration exam in 2015.

Table 8. Examination Statistical Data (continued)				
National Examinations				
License Type		Geologist-in-Training	Professional Geologist	Engineer-in-Training
Exam Title		Fundamentals of Geology	Professional Geologist	Fundamentals of Engineering
Admin. Method		Paper / Pencil	Paper / Pencil	CBT
Admin. By Whom / How Often Annually		Board / Twice	Board / Twice	NCEES / Continuous
FY 2014/15	Pass %	65%	72%	61%
FY 2015/16	Pass %	67%	71%	60%
FY 2016/17	Pass %	67%	75%	59%
FY 2017/18	Pass %	73%	77%	59%
Date of Last OA		2010	2010	2013
OA Developer		ASBOG	ASBOG	NCEES
Target OA Date		2015	2015	2023
License Type		Structural Engineer	Structural Engineer	Civil Engineer
Exam Title		16-Hour Structural Engineering – Lateral ♠	16-Hour Structural Engineering – Vertical ♠	PE Civil Engineer
Admin. Method		Paper / Pencil	Paper / Pencil	Paper / Pencil
Admin. By Whom / How Often Annually		NCEES / Twice	NCEES / Twice	NCEES / Twice
FY 2014/15	Pass %	42%	42%	45%
FY 2015/16	Pass %	42%	40%	46%
FY 2016/17	Pass %	36%	40%	49%
FY 2017/18	Pass %	27%	35%	49%
Date of Last OA		2011	2011	2008
OA Developer		NCEES	NCEES	NCEES
Target OA Date		2016	2016	2018

♠ The NCEES 16-Hour Structural Engineering Exam separates the pass rate statistics into the two separate components of the exam (vertical forces and lateral forces). Candidates must achieve a successful result on both components within five years of the first successful result in order to pass the exam.

Table 8. Examination Statistical Data (continued)					
National Examinations					
License Type		Electrical Engineer	Mechanical Engineer	Agricultural Engineer	Chemical Engineer
Exam Title		PE Electrical Engineer	PE Mechanical Engineer	PE Agricultural Engineer	PE Chemical Engineer
Admin. Method		Paper / Pencil	Paper / Pencil	Paper / Pencil	Paper / Pencil (FY 2014/15 – FY 2016/17) CBT (FY 2017/18)
Admin. By Whom / How Often Annually		NCEES / Twice	NCEES / Twice	NCEES / Once	NCEES / Twice (as Paper / Pencil) Continuous (as CBT)
FY 2014/15	Pass %	40%	59%	50%	57%
FY 2015/16	Pass %	38%	60%	0%	63%
FY 2016/17	Pass %	45%	61%	57%	68%
FY 2017/18	Pass %	39%	58%	75%	76%
Date of Last OA		2009	2007	2014	2013
OA Developer		NCEES	NCEES	NCEES	NCEES
Target OA Date		2017	2015	2019	2021
License Type		Control System Engineer	Fire Protection Engineer	Industrial Engineer	Metallurgical Engineer
Exam Title		PE Control System	PE Fire Protection	PE Industrial	PE Metallurgical
Admin. Method		Paper / Pencil	Paper / Pencil	Paper / Pencil	Paper / Pencil
Admin. By Whom / How Often Annually		NCEES / Once	NCEES / Once	NCEES / Once	NCEES / Once
FY 2014/15	Pass %	77%	51%	67%	57%
FY 2015/16	Pass %	70%	55%	33%	73%
FY 2016/17	Pass %	20%	64%	50%	50%
FY 2017/18	Pass %	58%	61%	46%	60%
Date of Last OA		2011	2012	2013	2009
OA Developer		NCEES	NCEES	NCEES	NCEES
Target OA Date		2021	2022	2022	2016

Table 8. Examination Statistical Data (continued)					
National Examinations					
License Type		Nuclear Engineer	Petroleum Engineer	Land Surveyor-in-Training	Professional Land Surveyor
Exam Title		PE Nuclear	PE Petroleum	Fundamentals of Surveying	Practice of Surveying
Admin. Method		Paper / Pencil	Paper / Pencil	CBT	Paper / Pencil (FY 2014/15 – FY 2015/16) CBT (beginning in FY 2016/17
Admin. By Whom / How Often Annually		NCEES / Once	NCEES / Once	NCEES / Continuous	NCEES / Twice (as Paper / Pencil) Continuous (as CBT)
FY 2014/15	Pass %	100%	38%	36%	63%
FY 2015/16	Pass %	No candidates took exam	60%	36%	48%
FY 2016/17	Pass %	No candidates took exam	0%	29%	54%
FY 2017/18	Pass %	100%	46%	33%	52%
Date of Last OA		2012	2014	2013	2012
OA Developer		NCEES	NCEES	NCEES	NCEES
Target OA Date		2021	2022	2023	2019

ATS does not allow for tracking pass rates for first time versus repeat exam candidates. Therefore, the Board has not been able to track First Time Candidates for its state exams. However, with the assistance of the Board's state exam vendor, Prometric, we anticipate being able to begin tracking this statistic in 2019.

Existing Statutes Hindering the Processing of Applications

Both the Professional Engineers Act and the Professional Land Surveyors' Act allow applicants to qualify through a work experience-only pathway or to apply for equivalent work experience credit by first obtaining a postsecondary degree in either engineering or surveying. The Geologist and Geophysicist Act requires applicants to first obtain a degree with "… a major in geological sciences ..." and does not include a pathway to licensure based solely on work experience.

Engineering and Land Surveying

Nationally, the majority of jurisdictions that license professional engineers or land surveyors require or allow a degree as educational criteria for licensing. There is

standardized accreditation by ABET, Inc. (www.abet.org) through the Engineering Accreditation Commission (EAC) and the Applied and Natural Science Accreditation Commission (ANSAC) criteria. In an effort to be consistent with the national standards and to accommodate the many applicants who obtain a postsecondary engineering degree, the Board previously standardized on ABET-accredited programs in regulation by allowing for the equivalent of four (4) years' work experience for an engineering or surveying curriculum that results in the award of a baccalaureate degree and an additional one (1) year of equivalent work experience for an engineering or surveying curriculum that results in the award of either a masters or post-doctorate degree. There is a maximum of five (5) years of equivalent work experience credit given for Board-approved education programs, thus requiring applicants to demonstrate a minimum of one (1) year of actual work experience towards obtaining a license to practice. The Board has also previously established regulations that allow applicants to obtain a maximum of two (2) years of equivalent work experience for a postsecondary degree obtained from a non-approved program (identified as any engineering or surveying program that is not ABET accredited).

Geology and Geophysics

The Geologist and Geophysicist Act, specifically B&P Code § 7841(b) states that an applicant for licensure as a Professional Geologist shall have either graduated "… from a college or university with a major in geological sciences …" or have completed "… a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology." B&P Code § 7841.1(b) states that an applicant for licensure as a Professional Geophysicist shall have either graduated "… from a college or university with a major in geophysical science …" or have completed "… a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geophysics."

Currently, accreditation standards for geological and geophysical postsecondary programs, both nationally and regionally, remain inconsistent. The aforementioned ABET, Inc. has recently begun an accreditation program for geological sciences, but to date only one program (in the Midwest) has achieved accreditation in 2017. It is unknown how long it will be before more geological or geophysical sciences programs are accredited by a nationally-recognized organization such that it becomes a viable vehicle for the Board to consider solely accredited programs for educational criteria.

During the 2014 Sunset review, the Board identified common issues and concerns with the lack of consistent accreditation for geological and geophysical programs, the broad nature of the statutory language in this regard, and the impact these factors had on applicants attempting to fully understand whether their postsecondary education would be considered qualifying or not qualifying. Since that review, the Board obtained the authorization and hired a Senior Registrar who is licensed as a Professional Geologist and embarked upon a study to more fully understand the scope of content for California-based educational institutions offering geological and geophysical sciences programs.

This study involved multiple Board-facilitated workshops around California and resulted in the Board pursuing rulemaking authority to establish regulations that are clear, concise, and reasonable in terms of an expectation of educational criteria that would be considering qualifying towards licensure. This rulemaking effort is currently in its second year of development/review under the new pre-public notice review process established by DCA and the Business, Consumer Services and Housing Agency. The Board anticipates it will be able to begin the official rulemaking process in the latter part of 2018 before eventually submitting the final rulemaking proposal to the Office of Administrative Law in 2019. Once finalized and approved, the Board anticipates that applicants, professional references, educational institutions, and the Board will have achieved a more consistent understanding of the education criteria required for those seeking licensure as a Professional Geologist or a Professional Geophysicist in California; will have improved the flexibility necessary to accommodate the many forms of postsecondary program curricula around the state; will allow for future standardized accreditation by national organizations; and will streamline the application review/approval process at the Board.

School Approvals & Continuing Education/Competency Requirements

The approval of schools is not within the scope of the Board's licensing authority. Additionally, the Board's laws and regulations do not require its licensees to complete continuing education/competency programs.

ENFORCEMENT PROGRAM

SECTION 5

Section 5
Enforcement Program

The Enforcement Unit of the Board is composed of one program manager, nine full-time analysts, one part-time Retired Annuitant analyst, and one full-time clerical. In addition, there are four Senior Registrars (two engineers, one land surveyor, and one geologist) whose duties include providing assistance to the Enforcement Unit with its various responsibilities. The Enforcement Unit is primarily responsible for the investigation of complaints related to professional engineering, land surveying, geology, and geophysics.

Complaints are investigated against both licensed and unlicensed individuals and are typically submitted by consumers, other licensees, and public agencies. Complaints range from unlicensed practice of professional services to failure by licensees to meet the standard of care. The Board does not operate within a statute of limitations; therefore, complaints regarding projects that occurred many years ago can be investigated. With the professions regulated by the Board, it can often be years before issues with the work come to light. For example, a land surveyor may perform a survey and fail to comply with the laws by not filing the appropriate maps with the proper jurisdiction, but this failure is not discovered until many years later when a neighboring property owner has a survey done. As such, it would not serve to protect the public if the Board were required to operate under a statute of limitations.

Since the Board does not have a statute of limitations for investigating complaints, cases are typically investigated on a first-in basis, with the exception of cases that involve allegations that may present potential imminent threats to public safety.

Complaints investigated by the Enforcement Unit are often complex due to the technical nature of the engineering, land surveying, geology, and geophysics professions. The majority of cases against licensees involve allegations of negligence and/or incompetence in their professional practice. The Enforcement Unit must obtain evidence from all of the parties involved and then retain the services of an independent Technical Expert Consultant to review all of the evidence and opine as to whether or not the subject failed to perform his or her services in accordance with the standards of the practices or has violated other laws in his or her professional practice. The Enforcement Unit maintains a pool of licensees, who are independently employed in their own private practices, to serve as experts. The most appropriate expert is selected to review a case based on the nature of the work involved as well as the location of the project as they relate to the expert's areas of expertise.

The Enforcement Unit also utilizes DCA's Division of Investigation (DOI) as a resource to assist in collecting evidence for its investigations, particularly those involving allegations of unlicensed practice or when there is a lack of response from parties involved. DOI also assists the Board with prosecutorial actions against unlicensed practitioners in cases where violations of the Board's laws are classified as criminal violations. In addition, there are related Penal Code violations tied to unlicensed activity

that are considered felony violations. In these cases, DOI will assist the Board by referring the cases to local District Attorneys' Offices for consideration of the filing of criminal charges.

As a result of its investigations, the Board may issue administrative citations to both licensed and unlicensed individuals. The citations may contain an order of abatement, an order to pay an administrative fine to the Board in the maximum amount of $5,000 per violation, or both. Although unlicensed activity may be charged as a criminal misdemeanor by a District Attorney, most District Attorneys are unwilling to expend their limited resources on crimes that they view as minor and can be handled administratively. By issuing a citation, the Board can put the unlicensed individual on notice regarding their actions that constitute a violation of the laws, as well as provide public notice to consumers and other individuals. Citations are also issued to licensees who have violated the laws but are not deemed to be a threat to the health and safety of the general public. The issuance of a citation gives the Board the authority to enforce compliance from the licensee, since the failure to comply with a citation order can lead to further – and more serious – disciplinary action against the licensee. The Board's issuance of the citation serves as a reminder to the licensee and other licensees that he or she must follow the laws and regulations that govern licensure and that there are professional and monetary consequences if those laws are ignored or violated.

Another outcome of the Board's investigations, particularly in cases where the investigation reveals that licensees have failed to meet the standard of care or have demonstrated incompetency in the professional practice, is to seek formal disciplinary action, which includes referring cases to the Office of the Attorney General to serve as the Board's attorneys in the prosecution of these matters. Disciplinary action sought against a licensee is conducted under procedures prescribed by the Administrative Procedures Act, which includes the filing of an Accusation outlining the alleged violations and describing what action the Board is seeking, such as the suspension or revocation of a license. Accusations can be settled through a stipulated settlement process or the matter can be heard before an Administrative Law Judge, who then issues a proposed decision for the Board's consideration.

For the purposes of resolving disciplinary cases without the additional expense and uncertainty of further proceedings for both the respondent and the Board, the parties often enter into stipulated agreements. Stipulated settlements often result in stayed revocations with probationary terms and conditions that can include requirements to take college and ethics courses, take and pass an examination on the Board's laws and regulations, notify clients of the disciplinary action, and pay the Board's costs for investigation and prosecution of the matter. The Board is precluded from settling cases "pre-accusation," pursuant to Government Code section 11415.60(b). [See Table 9a for statistics regrading Disciplinary Action results.]

In addition to the investigation of complaints, the Enforcement Unit responds to all inquiries (telephone, email, facsimile, and letter) related to the complaint process; the status of licenses, including previous complaint or disciplinary history; and the laws and

regulations related to the practices of professional engineering, land surveying, geology, and geophysics. The Enforcement Unit staff is responsible for responding to inquiries submitted by sources such as consumers/clients, licensees, professional associations, and public agencies, or forwarding them to staff or legal counsel, particularly if inquiries are specific to technical areas of professional practice or interpretation of the Board's laws.

Furthermore, the Enforcement Unit is responsible for implementing all enforcement-related legislation, and for coordinating all enforcement-related regulatory proposals.
The Reporting of Legal Actions Program (B&P Code §§ 6770, et seq., and 8776, et seq.), which became operative in 2008, requires all professional engineers and land surveyors, insurance companies, and courts to report criminal convictions and civil action judgments, settlements, and arbitration awards. Settlements are required to be reported if the dollar amount exceeds $50,000. Judgments are required to be reported for amounts $25,000 or greater. Reported settlement amounts have averaged approximately $472,000 over the last three fiscal years.

Initially, there were difficulties in receiving the appropriate documentation from these sources or determining the appropriate licensee(s) involved, which severely affected the efficiency of investigating those cases. However, the Enforcement Unit has been able to work through these difficulties to more efficiently process cases. While reporting by licensees and insurance companies has greatly improved since implementation of the program, the Board does not receive reports from courts related to convictions and judgments.

As set by the Board in its 2015-2018 Strategic Plan, the current target for staff-level completion of complaint investigations is an average of 180 days, with the overall goal of no cases reaching one year old during the investigative phase. Over the last four years, the Enforcement Unit has continued to reduce the complaint investigation average. Through continued efforts to monitor the average age of its pending investigation cases, the age of pending cases has been reduced from a high of 176 days at the end of FY 2014/15 to 143 days at the end of FY 2017/18. Furthermore, since the Board's last Sunset Review, the average days to close investigation cases has been reduced from cases taking over one year to process to taking just under eight months. [See statistics for Average Age of Pending Cases added to Table 9c, as well as Average Days to Close in Table 9c. Additionally, the FY 2017/18 enforcement statistical report, which includes a bar graph showing the reduction in the number of pending investigation cases in each aging category tracked by the Board, is included in Section 12 – Attachments, Attachment F. This enforcement statistical report is presented to and discussed by the Board at each Board meeting.]

There are several contributing factors to the successes in this regard, most occurring since the last Sunset Report. For instance, it had been previously reported that one of the delays in processing investigations was having no authority to require licensees to respond to the Board or provide documents related to a project which staff may request during the course of an investigation. Previous efforts to obtain a response or project

documents typically required assistance from DOI, which contributed to delays in processing times. Effective January 1, 2016, B&P Code §§ 6775.2, 8780.2, and 7860.2 were enacted (Chapter 428, Statutes of 2015), to require licensees or certificate holders to respond to requests to cooperate in investigations against themselves. Subsequent to its implementation, staff has experienced better cooperation and shorter wait times in obtaining information critical to investigations. The Enforcement Unit staff advises the subjects of the complaints in the initial letters of the requirements of the laws relating to the subject's cooperation. Typically, the subjects are notified two or three times of the requirement to respond before further action is taken in the form of an administrative citation.

To date, only 12 administrative citations have been issued for failure of a licensee to respond to requests for cooperation in a complaint investigation. Citations are only issued after efforts to illicit responses prove fruitless. Of these citations, 10 have become final. Of the ones that are final, only three licensees have failed to comply with the order of the citation. These three cases are currently pending further action for the licensee's failure to comply, either through further efforts to seek compliance or referral to the Office of the Attorney General for disciplinary action. Several attempts are made by Board staff to obtain compliance before matters are considered for referral for disciplinary action. The two citations that are not yet final are under appeal.

These statistics indicate that very few licensees fail to respond to the Board's requests for cooperation in its investigations, which has greatly improved the Board's efforts to conduct timely and thorough investigations with sufficient documentary evidence.

When these laws were enacted, a sunset date of January 1, 2020, was included to allow time to monitor how effective the requirement would be. Based on the low number of licensees who fail to respond to and cooperation with the Enforcement Unit during the investigations, the Board believes these laws are working as intended and the sunset date included in each section needs to be eliminated so that these laws will be permanent.

Another factor previously affecting efficient processing of complaints related to the professions of geology and geophysics was the lack of staff geologist to provide preliminary review of practice-related complaint investigations. The Board was able to recruit a full-time staff geologist (Senior Registrar) who has been instrumental in assisting Enforcement Unit staff during investigations.

The Board has also been working on improving the review of cases by independent Technical Expert Consultants. Independent Technical Expert Consultants are licensees with whom the Board contracts to provide a review of the technical issues involved in the complaint investigation cases. These professionals provide an opinion related to the standard of care in the professional practice or other laws related to the practices of professional engineering, land surveying, geology, and geophysics and whether or not the subject of the investigation complied with the laws and standards. The experts are usually employed full-time in their own practice; as such, this often causes some

reviews to extend beyond the normally requested 30 days. Furthermore, choosing experts based on their knowledge of particular areas of expertise or geographic areas can be a challenge based on the choice of experts populating the current list of experts.

The Board has been actively working to improve the expert selection process and training to enhance the quality of expert services and expand the selection of experts based on their areas of expertise. Publications for training have been updated, and staff is currently working with a number of agencies to schedule in-person training sessions within the coming months. Efforts to prepare such training has included the use of surveys to existing experts and collaboration with the Attorney General's Office and the Department of Consumer Affairs' SOLID Program.

In the meantime, the Board was able to increase compensation rates. In July 2016, the compensation rate for the time spent reviewing the investigation case and preparing the written report during the complaint investigation phase increased from $75.00 per hour to $90.00. The compensation rate was also raised from $75.00 per hour to $110.00 per hour for the time spent reviewing the case with the Office of the Attorney General and attending the administrative hearing, if the matter proceeds through those stages. The Board believes in compensating its expert consultants for their service to the Board and their professions but does not believe the compensation should be so high or negotiable such that it would give the appearance the Board is "buying" an expert's opinion.

The Board is currently developing an online renewal assessment as set forth by B&P Code §§ 6795.2, 8801.5, and 7881.5, which became effective on January 1, 2017. This requirement was enacted because of a goal previously identified as a means to educate licensees about changes to the Board's laws and reducing complaints submitted simply because of their lack of knowledge of such changes. This assessment will include review of the laws most commonly violated which are not specifically practice-related. For instance, for many years after written contracts became required for licensees in 2001, numerous complaints were received alleging that a written contract was not executed; in other cases, it became apparent during the Board's investigation that compliance with the written contract statute was not fulfilled. The response from many licensees was that they were unaware of the new law, even though the Board had publicized it several times in its newsletter, on its website, and many times through in-person outreach opportunities. A review of records from this past fiscal year indicates that almost 40% of our active investigations involve some aspect of non-compliance with laws that have become effective within the last 10 to 14 years. The Board is currently working to develop the assessment. However, since the laws mandate that the assessment must be conducted online, rather than through outreach opportunities, the Board has experienced difficulties in developing and implementing the assessment due to its continued reliance on DCA's legacy system for tracking licensees. The Board intends to implement this online assessment as part of its new application processing and license management system [discussed more fully in Section 9 – Current Issues, IT Issues and BreEZe].

Despite the Enforcement Unit's aggressive efforts to reduce processing times for its complaint investigations, the Board is heavily impacted by DOI's delays in processing cases. Over the last four fiscal years, 57% of the completed cases that were referred to DOI took more than a year to process. Because DOI also investigates cases on behalf of other boards and bureaus within DCA, it must set priorities for its investigations. Those cases that present evidence of an immediate threat to the public health, safety, and welfare receive the highest priority. Since there is rarely the same level of "immediate threat" relating to the practices of professional engineering, land surveying, geology, and geophysics as there might be with cases involving nursing or other healing arts professions, DOI does not give this Board's cases the highest priority. The inability of DOI to timely investigate its cases contributes to the overall aging of the Board's complaint investigation cases and, on occasion, causes statutes of limitations to expire on cases that could potentially be prosecuted in criminal court. It would be beneficial to all boards and bureaus if DOI were able to increase the number of investigators it employs and to also create specific units within DOI to handle specific types of cases or to work with specific boards, such as the unit of investigators that focuses on cases from the Medical Board of California. This operational change would allow DOI to better distribute workload and prioritize cases so that the Board's cases are not set aside when other cases that seem to demonstrate a more immediate threat to the public are submitted by other boards and bureaus.

The Board would also like to collaborate with DOI in efforts to more effectively investigate the Board's cases through a closer working relationship among DOI Investigators, Board staff, and the Board's independent Expert Consultants. The Board would also like to explore training tools to better equip DOI Investigators with information regarding the laws unique to the Board's practices, as the majority of cases referred to DOI are related to business structures or the practices of professional engineering, land surveying, and geology, which often contain technical terminology not readily understood by DOI Investigators.

In addition to the implementation of new laws and other processes, Enforcement Unit staff has continued to be effective with its current organizational make-up. Continuing to dedicate duties of one analyst position to issue citations and conduct informal conferences and one analyst position to prepare and send citations to the Office of the Attorney General for processing formal appeals has ensured no backlog in the processing of post-investigation cases and enabled the remaining staff analysts to focus heavily on the processing of complaint investigations.

The Board realizes that, while significant efforts have been made to reduce the aging of cases to what it determines are acceptable levels, continuing to develop ideas for improvements with its own internal process as well as protocols for working collaboratively with other divisions and agencies will ensure achieving its goals.

Despite the Board's aggressive efforts to reduce the internal backlog and aging of its complaint investigations, significantly protracted processing times remain a challenge, specifically for cases that are referred to the Office of the Attorney General and Office of

Administrative Hearings (OAH) that involve citation appeals and formal disciplinary actions. The Office of the Attorney General handles cases for all of the boards and bureaus within DCA, and they are heavily inundated. OAH hears matters for multiple agencies in addition to DCA. The Board would like to see a reduction in the overall processing time for formal disciplinary cases, including the investigation time and the time to pursue the action, to an average of 540 days, as mandated by DCA. While the average has been significantly reduced over the last four fiscal years, the average is still nearly nine months above the target.

Effective January 1, 2018, pursuant to B&P Code §312.2, the Office of the Attorney General is required to report certain statistical information relating to the adjudication of its cases to DCA, the Governor, and the Legislature. While the Board has no control over the processing times for the Office of the Attorney General, Board staff has seen a more concerted effort by the Office of the Attorney General to monitor the Board's cases and work collaboratively with Board staff to reduce aging of cases. This is evidenced by the reduction of aging from the referral of cases to the filing of accusations (371 days in FY 2014/15 to 165 days in FY 2017/18). [See Table 9a for statistics regarding Accusations.]

OAH is also required to report certain statistical information related to the processing of its cases. While the Board does not collaborate with the agency in efforts to focus on aging cases, there has been a significant reduction in the average number of days between the submittal to OAH of a request to set a hearing and the issuance of a proposed decision from more than 300 days to less than 150 days (according to OAH's Caseload Statistics and Hearing Timeframe Reports for the last three fiscal years).

The Board would like to pursue other means to improve the effectiveness of the Enforcement Unit's processing of its complaint investigations, particularly those related to ever-increasing unlicensed practice. While issuing an administrative citation is an effective means of disclosing unlicensed activity to the public and emphasizing the severity and gravity of such violations, it is not always effective in motivating violators to cease and desist. Many choose to pay the fines and continue to offer and practice, while others choose to ignore the administrative citation altogether. The use of the internet to advertise professional engineering, land surveying, and geologic services is on the rise. Business by unlicensed individuals is often conducted solely through internet advertisements. Communication is often through email and mobile telephone service, and payment is made through online payment options. This process can severely hinder ability by the consumer or the Board to pursue remedies if a breach of contract or fraud occurs. Therefore, the Enforcement Unit would like to research additional means of effectively inhibiting solicitation of illegal activities. For instance, current law provides the Board, through the issuance of an administrative citation, authority to order individuals advertising professional services in telephone directories to disconnect telephone services regulated by the Public Utilities Commission (PUC). Recent legislation (Chapter 395, Statutes of 2014) broadens this to include any advertising, not just a listing in a telephone directory. However, many unlicensed individuals operate through mobile telephone services, which are not regulated by the

PUC. In addition, there is currently no authority to require violators to shut down websites illegally advertising professional services. The Board would like to research the feasibility of requiring violators to disconnect mobile telephone services and to close down websites in order to be more effective in reducing unlicensed activity.

Another serious, and ever-increasing, problem regarding unlicensed activity is unlicensed individuals operating engineering and land surveying businesses without having an appropriately licensed individual as an owner, partner, or officer in responsible charge. Currently, companies offering professional engineering and land surveying services are required to provide an Organization Record (OR) form, filed free of charge, which lists the licensed professional(s) in responsible charge of professional services offered and performed. Currently, there is not a requirement for geological and geophysical companies to file an OR form. The Board would like to research options for licensing companies, such as Certificates of Authorization which are issued in many other states, in order to provide the Board the opportunity to exercise more authority over companies not operating in compliance with the Board's law. The Board has been exploring, through its Business Modernization Project, means to integrate certain data elements that will better enable the tracking of licensee association with California companies operating in California. The Board would also like to enact the same requirements for geology and geophysics companies as may be enacted for engineering and land surveying companies.

Table 9a. Enforcement Statistics

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
COMPLAINT				
Intake				
Received	326	368	405	416
Closed Without Referral to Investigation	0	0	26	63
Referred to Investigation	326	368	379	342
Average Time to Close	10	10	16	14
Pending (close of FY)	0	0	0	11
Source of Complaint				
Public	115	166	127	140
Licensee/Professional Groups	86	99	94	88
Governmental Agencies	24	17	8	11
Other	108	118	124	123
Conviction / Arrest (CONV)				
CONV Received	0	0	0	1
CONV Closed	0	0	0	1
Average Time to Close	0	0	0	1
CONV Pending (close of FY)	0	0	0	0

Table 9a. Enforcement Statistics (continued)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
LICENSE DENIAL				
License Applications Denied	0	3	2	1
Statements of Issues (SOIs) Filed	1	4	0	0
SOIs Withdrawn	1	3	1	1
SOIs Dismissed	0	1	0	0
SOIs Declined	0	0	0	0
Average Days SOI	192	381	460	391
ACCUSATION (ACC)				
Accusations Filed	24	31	29	27
Accusations Withdrawn	2	2	4	2
Accusations Dismissed	2	0	0	0
Accusations Declined	0	0	0	0
Average Days Accusations (submittal to AG to filing of ACC)	371	230	174	165
Pending (close of FY)	35	38	21	26
DISCIPLINE				
Disciplinary Actions				
Proposed/Default Decisions	6	9	6	3
Stipulations	29	18	29	14
Average Days to Complete	1060	1078	1106	825
AG Cases Initiated	28	41	36	29
AG Cases Pending (close of FY)	62	64	32	44
Disciplinary Outcomes				
Revocation	7	6	5	3
Voluntary Surrender	7	3	4	1
Suspension	0	0	0	0
Probation with Suspension	0	2	0	0
Probation	14	13	21	10
Probationary License Issued	N/A	N/A	N/A	N/A
Other	5	3	3	0
PROBATION				
New Probationers	14	15	21	10
Probations Successfully Completed	12	14	12	8
Probationers (close of FY)	44	39	40	45
Petitions to Revoke Probation	1	11	12	4
Probations Revoked	0	3	4	3
Probations Modified	0	1	1	0
Probations Extended	0	1	5	5
Probationers Subject to Drug Testing	N/A	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A	N/A
Petition for Reinstatement Granted	0	0	0	0
DIVERSION	**NOT APPLICABLE TO BOARD**			

Table 9b. Enforcement Statistics (continued)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
INVESTIGATION				
All Investigations				
First Assigned	326	368	353	362
Closed	330	400	323	349
Average days to close	262	237	238	234
Pending (close of FY)	243	211	237	254
Average age of pending cases	176	151	158	143
Desk Investigations **NOTE:** Same as All Investigations				
Closed	330	400	323	349
Average days to close	262	237	238	234
Pending (close of FY)	243	211	237	254
Non-Sworn Investigation	NOT APPLICABLE TO BOARD			
Sworn Investigation – Division of Investigation **NOTE:** Subset of All/Desk Investigations				
Closed	35	27	10	12
Average days to close	262	376	287	246
Pending (close of FY)	18	11	11	16
COMPLIANCE ACTION				
ISO & TRO Issued	0	0	0	0
PC 23 Orders Requested	0	0	0	0
Other Suspension Orders	0	0	0	0
Public Letter of Reprimand	4	2	2	3
Cease & Desist/Warning	33	56	53	60
Referred for Diversion	N/A	N/A	N/A	N/A
Compel Examination	N/A	N/A	N/A	N/A
CITATION AND FINE				
Citations Issued	90	83	100	91
Average Days to Complete	711	635	639	495
Amount of Fines Assessed	$190,613	$119,500	$195,400	$138,900
Reduced, Withdrawn, Dismissed	19	13	14	19
Amount Collected	$120,233	$97,591	$125,251	$114,459
CRIMINAL ACTION				
Referred for Criminal Prosecution	14	8	8	12

Table 10. Enforcement Aging										
	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18		Cases Closed	Average %
Attorney General Cases (Average %)										
Closed Within:	#	%	#	%	#	%	#	%		
0 - 1 Year	4	12.1%	3	11.1%	7	19.4%	5	29.4%	19	16.8%
1 - 2 Years	11	33.3%	6	22.2%	10	27.8%	4	23.5%	31	27.4%
2 - 3 Years	6	18.2%	7	25.9%	10	27.8%	5	29.4%	28	24.8%
3 - 4 Years	5	15.2%	4	14.8%	4	11.1%	2	11.8%	15	13.3%
Over 4 Years	7	21.2%	7	25.0%	5	13.9%	1	5.9%	20	17.7%
Total Attorney General Cases Closed		33		27		36		17	113	
Investigations (Average %)										
Closed Within:	#	%	#	%	#	%	#	%		
90 Days	47	13.9%	35	18.8%	53	22.8%	60	17.2%	235	16.8%
91 - 180 Days	76	23.0%	82	20.5%	50	15.5%	66	18.9%	274	19.5%
181 - 1 Year	103	31.2%	164	41.0%	149	46.1%	140	40.1%	556	39.7%
1 - 2 Years	95	28.8%	76	19.0%	70	21.7%	82	23.5%	323	23.0%
2 - 3 Years	9	2.7%	3	0.8%	1	0.3%	1	0.3%	14	1.0%
Over 3 Years	0	0	0	0	0	0	0	0	0	0
Total Investigation Cases Closed		330		400		323		349	1402	

Cite and Fine

The Board may issue administrative citations to both licensed and unlicensed individuals. The citations may contain an order of abatement or an order to pay an administrative fine to the Board in the maximum amount of $5,000 per violation or both. Citations may be issued to unlicensed individuals when the investigation reveals that the unlicensed person violated the Board's laws by committing acts that require licensure. Although unlicensed activity may be charged as a criminal misdemeanor through the District Attorney's Office, most District Attorneys are unwilling to expend their limited resources on crimes that they view as minor and can be handled administratively.

By issuing a citation, the Board puts the unlicensed individual on notice regarding his or her actions that constitute a violation of the laws, as well as providing public notice to potential concerned or affected individuals. Citations are also issued to licensees who have violated the laws but are not deemed to be a threat to the health and safety of the general public. For example, many of the land surveying complaints investigated by the Enforcement Unit involve the failure of the licensee to file a Record of Survey or a Corner Record with the County Surveyor's Office in the time and manner required by law. A citation can be issued to the licensee containing an order of abatement ordering him or her to file the required record; by issuing the citation ordering the licensee to comply with the law, the Board is ensuring that the public is protected by the maintenance of the public records of lands. The majority of citations issued to unlicensed individuals are for violations involving offering to practice, which includes

executing the written contract with the client, and operating a business as the sole owner through which the professional services are offered. The most common violations for which citations are issued to licensed individuals involve failing to file or resubmit survey maps to the County Surveyors' Offices in the time and manner required by law and failing to execute a written contract that includes all of the elements required by law. The issuance of a citation also gives the Board the authority to enforce compliance from the licensee, because a failure to comply with a citation order can lead to further – and more serious – disciplinary action against the licensee. The Board's issuance of the citation serves as a reminder to the licensee and other licensees that he or she must follow the laws and regulations under which he or she is granted licensure and that there are professional and monetary consequences if he or she does not.

Citations become final 30 days after issuance unless they are appealed. The cited person may appeal the citation by requesting an informal conference with the Board's Executive Officer or a formal administrative hearing before an Administrative Law Judge or both. On average, 50% of the citations issued are appealed. Typically, the cited person requests both an informal conference and a formal appeal hearing.

Following the informal conference, the Executive Officer may dismiss, modify, or affirm the citation. If the citation is dismissed, it is considered final immediately upon issuance of the dismissal. If the citation is modified or affirmed, then it becomes final 30 days after issuance of the modification or affirmation, unless the cited person has already requested a formal administrative hearing or does so upon receipt of the modification or affirmation. A fine is not considered assessed until the citation becomes final. If a fine is assessed, it becomes due and payable 30 days after the citation becomes final. The Board will extend the time in which the payment must be made and allow the cited person to make payments if so requested.

Currently, there is a high outstanding balance of fines owed to the Board. This circumstance exists when a fine is assessed against an unlicensed person, and the Board has limited recourse to collect the fines. Most licensees pay the fines because failure to do so could result in their not being able to renew their licenses or in formal disciplinary action being taken against their licenses for failure to comply with the citation orders. In many cases, the Board is unable to locate the unlicensed person to pursue collection, and the Board is only able to collect unpaid fines through the use of the Franchise Tax Board (FTB) refund intercept program through tax refunds, lottery winnings, and unclaimed property. However, the occurrences when the Board receives funds are rare. There are 99 outstanding accounts that have been referred to FTB, with an outstanding balance to be collected of over $440,000. There have been fourteen instances of receiving funds, totally approximately $24,000. In addition to the relative lack of success of the FTB program in recovering fines, staff time expended is approximately two hours per account to process, including writing letters to the subject and referring the matter to DOI for the collection of personal information required to refer to FTB. It is noted that accounts can only be referred to FTB in the event a Social Security Number is available. This is possible only if the person has been an applicant or if a person's identity is unique enough for it to be ascertained by DOI staff.

The Board would like to explore additional resources to recover administrative fines. It is not cost effective for the Board to seek recovery through the civil courts or a collection agency. If the Department of Consumer Affairs were given the authority to contract with a collection agency on behalf of all boards and bureaus, then the Board would be very interested in participating in such a program.

Cost Recovery and Restitution

Cost Recovery Efforts

The Enforcement Expenditures include the Office of the Attorney General, OAH and Court Reporters (for hearings conducted by OAH), Evidence/Witness (Technical Expert Consultants on all cases, not just those that are referred to the AG's Office), and DOI line items.

Resolution of the formal disciplinary process can result in either the revocation or surrender of a license or a revocation that is stayed with probationary terms. Cost recovery of the Board's expenditures is often ordered as part of a disciplinary decision issued by the Board, either through adoption of a proposed decision prepared by an Administrative Law Judge or a stipulated settlement as agreed to by the respondent and the Executive Officer. However, cost recovery is seldom sought as part of a surrender or complete revocation, as these results eliminate the respondent's authority to practice and, likely, his or her primary source of income.

The Board has found that it is much more successful in obtaining full recovery of the costs ordered if the respondents/probationers are allowed to make payments to the Board during the period of probation, rather than requiring them to make one payment shortly after the decision becomes effective. If the reimbursement of the costs is ordered as a condition of probation, which it is in the majority of cases, the only recourse the Board has if the respondent/probationer fails to pay is to terminate the probation and either suspend or revoke the license. If the Board does that, then it cannot collect any of the costs. Therefore, while it may take longer for the Board to receive reimbursement of its costs by allowing the respondents/probationers to make payments, the Board is ultimately more successful in obtaining the cost recovery as ordered. The Board does not use FTB to collect cost recovery.

Table 11. Cost Recovery (list dollars in thousands)

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures	$2.321 million	$2.286 million	$2.590 million	$2.608 million
Potential Cases for Recovery *	33	27	36	17
Cases Recovery Ordered	19	17	20	17
Amount of Cost Recovery Ordered	$95,254	$81,168	$83,714	$53,643
Amount Collected	$89,287	$81,392	$80,656	$48,942

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violations of the licensing act.

Restitution Provided To Consumers

Pursuant to Government Code Section 11519(d), the Board may order a licensee to pay restitution as a condition of probation. Restitution may not be ordered in a disciplinary decision that does not include probation, unless it is agreed to in a stipulated settlement. Additionally, restitution cannot be ordered through an administrative citation. Typically, the restitution ordered is the amount the consumer paid to the licensee for the services, or the amount the consumer paid to another licensee to re-do the work, and may also include fees the consumer had to pay to a governmental agency, such as plan or map checking fees or permit fees. However, it does not include punitive damages, which are appropriately left within the purview of the civil courts.

Table 12. Restitution (list dollars in thousands)

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	0	0	$6,100	0
Amount Collected	0	0	$6,100	0

PUBLIC INFORMATION POLICIES

SECTION 6

Section 6
Public Information Policies

Public Information

The Board maintains its own website at http://www.bpelsg.ca.gov. The website contains information for consumers, licensees, and applicants, including the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, and the regulations associated with the three Acts; the Board *Bulletin* (newsletter); notices of Board and TAC meetings; Board meeting minutes; notices of rulemaking proposals; and information regarding applying for licensure. The Board's on-line presence is intended to expand the reach and quality of its external communications, improve service delivery, connect and interact with stakeholders, and enhance public access to Board policies and programs.

Meeting Materials

Meeting materials for Board and Technical Advisory Committee (TAC) Meetings are made available within a week following the posting of the meeting's Official Notice and Agenda. The Official Notice and Agenda is posted at least 10 days in advance of every meeting. The notices for Board and TAC meetings remain on the homepage only until the date of the meeting but can still be accessed through the Board Meetings page.

Minutes

It is the Board's policy to maintain the agenda, meeting materials, and minutes for five years on the Board's website. Draft minutes are not posted online since they are not considered official until the Board approves and adopts them. Once approved and adopted by the Board, Board meeting minutes are generally posted the next business day following the Board meeting at which they were approved and adopted.

Webcasting and Meeting Calendar

As the Board indicated in its last Sunset Report and Response, the Board has considered webcasting its meetings in the past. However, the Board believes that providing opportunities for the public to actually participate in the discussions at Board meetings is of prime importance, and webcasting does not allow for such actual participation by the public. A webcast is simply a static video recording; it is not a video conference that allows for interaction between the individuals physically present at the meeting location and those viewing it remotely.

The Board has conducted meetings via teleconference (telephone call-in) in the past, and members of the public have attended at the remote locations and been able to participate in the discussions at the Board meeting. Until video conferencing that allows for the public to participate from remote locations is logistically available, the Board is not inclined to webcast its meetings because doing so does not enhance the public's opportunities to interact with the Board.

The Board establishes an annual calendar for Board meetings that is approved by the Board at the end of the prior year. Following approval, the meeting calendar is posted on the Board's website. In addition, the Board posts information on TAC meetings on its website throughout the year as they are scheduled.

Website and Outreach Information

In addition to the information included in the "Public Information" section above, one of the main links on the Board's homepage is dedicated to the consumer and includes such information as how to use the License Search, how to file a complaint, and the Consumer Guides to engineering, land surveying, geology, and geophysics. The public can check on the license status of the person(s) they are considering hiring using the online License Search feature. This feature provides information on the Board's licensees including their license numbers, issue dates, expiration dates, and addresses of record. The License Search feature also provides links to accusations filed and disciplinary actions taken against the licensee. Consumers can also find out how to file a complaint with the Board regarding engineering, land surveying, geology, and geophysics issues and can obtain a complaint form to file such a complaint. Additionally, a video is available explaining how to file a complaint.

The Board has a Social Media program, which includes the notification and distribution of information that the Board wishes to distribute to its stakeholders. This active Social Media Program, supported by Facebook, Twitter, and LinkedIn, provides dynamic platforms to channel the Board's distribution of pertinent information and related content as well as expands its reach to the consumer population.

In addition, the Board maintains a database of all professional engineering, land surveying, geological, and geophysical professional organizations active in California. The database contains all contact information for the organizations, and we regularly reach out to them in our effort to keep them engaged in their respective disciplines in our state. Also, at the request of professional societies and local governmental agencies, Board staff will attend meetings to discuss any legislative or regulatory changes in the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act; regulatory and enforcement issues; and other topics related to the Board. These outreach meetings also serve to keep the lines of communication open between the Board and local governmental agencies, licensees, and professional associations.

The Board also maintains a database of more than 500 city and county building officials in California. This database furthers the reach of the Board, and allows it to engage those on the "front line" of enforcement questions before they become enforcement actions.

Additionally, the Board provides extensive information on its website for applicants and licensees. All application forms are available on the Board's website, as well as information explaining the required qualifications for licensure. Information for licensees includes specific pages addressing the written contract laws, the Codes of Professional Conduct, and the Reporting of Legal Actions Program. Licensees can also access the

secure website that allows them to pay their renewal fees online via credit card, which expedites the renewal process. The Board has also provided a video proving step-by-step instructions on how to pay the renewal fees online.

The Board also has a College Outreach program to encourage college students and professors to seek licensure. This program is discussed in more depth in Section 8 – Workforce Development and Job Creation.

Complaint Disclosure Policy

The Board's Policy on Disclosure of Complaints and Disciplinary Actions was formally adopted by the Board in July 1994. Prior to formally adopting a disclosure policy, the Board observed an informal policy that followed the same guidelines and principles that were then expressed in the formal policy adopted in 1994. The Board reviews its disclosure policy and updates it as needed. The Board last updated its disclosure policy in March 2011. The Board's disclosure policy is consistent with DCA's policies on disclosure of complaint information and posting of disciplinary action information on the internet.

> It is the policy of the Board to provide information to the public regarding complaints and disciplinary actions resulting from violations of the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, and the Regulations of the Board. The Board keeps records of complaint investigation cases that do not result in citations or formal disciplinary actions for five years. The Board discloses the following information upon request after the completion of an investigation:
>
> - Number of complaints against the individual
> - Date the complaint was received
> - Disposition of the complaint, such as compliance obtained, mediated/resolved, referred for formal legal and/or disciplinary action, or any other action taken against the subject.
>
> If the complaint is still in the investigation stage or if the investigation reveals that there was no violation of the law, no information is disclosed.
>
> The Board keeps records of citations and formal disciplinary actions (accusations and decisions) and discloses the information as required by law. The information provided includes the:
>
> - Action taken
> - Reason(s) for the action
> - Date of the action.
>
> If the matter is final, information regarding compliance with the order is also provided. If the citation or decision on the accusation is not yet final, its procedural status is provided.

The Board also publicizes its enforcement actions by publishing articles in the Board's newsletter, posting the information on the Board's website as required by B&P Code section 27, and by providing information to other states' regulatory boards.

ONLINE PRACTICE ISSUES

SECTION 7

Section 7
Online Practice Issues

In recent years, the Board's Enforcement Unit has been called upon to investigate the way in which professional engineers, land surveyors, geologists, and geophysicists are advertising their services via the Internet. In general, under the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, and the Regulations of the Board, internet advertising is no different than advertising in paper publications, such as magazines or telephone directories. If a professional engineering, land surveying, geology, or geophysics company has a website through which they are offering their professional services, then they must meet all of the same requirements as any other professional engineering, land surveying, geology, or geophysics company that offers services in California. The Board has required companies to make modifications to their websites to ensure that they are in compliance with California's laws, such as clarifying what services they are allowed to perform in California.

One of the issues that the Board's Enforcement Unit is faced with pertaining to the advertising of these services involves online broker/referral websites. Since most consumers are interested in services related to their personal homes and property, the Board more often encounters issues that involve the procurement of land surveying services and, to a lesser degree, engineering services. Online sites such as www.constructiondeal.com or www.angieslist.com provide a one-stop location where consumers can research individuals (or companies) in their regional area who perform the services that they need. Many times, these sites include ratings from past customers on how well the services were performed. These online sites allow anyone to list themselves as offering, providing, and performing these services without any verification of licensure. The proliferation of these online sites leads consumers into unknowingly thinking that if the individual or company is listed on this site and has a good rating, then they must be appropriately licensed. The Board's Enforcement Unit has encountered situations where this is not the case, and the consumer may be harmed by the services for which they contracted.

There are other instances involving online sites such as www.craigslist.org where anyone can advertise services without any sort of standardized manner that a consumer can use to compare one advertisement to another or to have the option of knowing past performances. It is recognized that sites such as this are not as sophisticated as the previously mentioned broker/referral sites, and the consumer is choosing to research these sites at their own risk.

Furthermore, business by unlicensed individuals is often conducted solely through internet advertisements, either using broker/referral websites or individual sites for companies. Communication is often through email and mobile telephone service, and payment is made through online payment options. This process can severely hinder ability by the consumer or the Board to pursue remedies if a breach of contract or fraud occurs.

While there are laws that allow the Board to issue citations to unlicensed individuals who are illegally advertising professional services and include an order to disconnect the telephone number listed in the advertisement, there is no authority to require violators to shut down websites from which they are illegally advertising professional services or to require the online broker/referral websites to remove the listings. The Board would like to research the feasibility of requiring violators to shut down websites in order to be more effective in reducing unlicensed activity.

WORKFORCE DEVELOPMENT AND JOB CREATION

SECTION 8

Section 8
Workforce Development and Job Creation

It is not the role of the Board to create jobs or provide job training in the professions it regulates; the Board's duty is to ensure that individuals who are seeking licensure are qualified to practice with due regard to the health, safety, welfare, and property of the public. However, the Board does have impact on the workforce in the length of time it takes for individuals to obtain licensure. To ensure that qualified individuals obtain licensure as timely as possible, the Board has established targeted timeframes for processing applications and an effective outreach plan. The Board has identified the need for targeted timeframes for processing applications for examination and initial licensure to allow for qualified individuals to quickly enter the profession. By 2013, the Board had transitioned all of its state examinations to be administered through the computer based testing (CBT) method, using a nationally recognized organization that has testing centers throughout North America. This allows individuals to take the examinations in locations most convenient to them. It also allows the Board to issue the examination results in a shorter period of time (generally reducing the period from three months to one month after the examination is administered). Additionally, the Board has established targeted timeframes to ensure that individuals renewing a license do not experience lapses in practice rights. In addition, as part of its quarterly newsletter, the Board provides current information regarding requirements for licensure, examination information, and public interest pieces that impact the licensee and the consumer.

The College Outreach Program provides information regarding career development, initial licensing, and examination requirements to college students and professors. The purpose of this program is to provide information and education to professionals, students, and consumers in the application of the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, and the engineering, land surveying, geology, and geophysics professions. Board members and staff make it a priority to attend ABET visits as observers. ABET is the national accreditation organization for engineering and land surveying programs. Attendance at college outreach activities, such as "Engineering Day," at California campuses is also a high priority of the Board.

In addition, the Board maintains a database of all college engineering, land surveying, and geology programs in California. The database contains all contact information for the deans and department chairs of the disciplines that it oversees. In the spring and fall, the Board sends updates to all stakeholders to notify them of changes or updates to Board practices, as well as to give the schools a contact point should they have questions about Board practices.

CURRENT ISSUES

SECTION 9

DCA's Consumer Protection Enforcement Initiative

Following the failed passage of Senate Bill 1111 (Negrete McLeod) in 2010, DCA recommended that the boards consider adopting regulations to implement some of the provisions proposed in the legislation as a way to implement the Consumer Protection Enforcement Initiative (CPEI). The following is the list of the items DCA prepared as its "CPEI SB 1111 (4/12/10 version) Proposed Changes through Regulations," along with the recommendation from DCA as to what action could be taken to accomplish the item. As indicated in the Board's last Sunset Report and Response, the majority of these items applied to the healing arts boards since those boards were the focus of the CPEI and SB 1111. Following the DCA list of items is the action taken by the Board or the reason that no action was taken.

DCA LIST

Board delegation to Executive Officer regarding stipulated settlements to revoke or surrender license

Permit the Board to delegate to the Executive Officer the authority to adopt a "stipulated settlement" if an action to revoke a license has been filed and the licensee agrees to surrender the license, without requiring the Board to vote to adopt the settlement.

Recommend: Amend regulations.

Revocation for sexual misconduct

Require an Administrative Law Judge (ALJ) who has issued a decision finding that a licensee engaged in any act of sexual contact with a patient or who has committed or been convicted of sexual misconduct to order revocation which may not be stayed.

Recommend: Amend regulations/disciplinary guidelines.

Denial of application for registered sex offender

Require the Board to deny a license to an applicant or revoke the license of a licensee who is registered as a sex offender.

Recommend: Amend the regulations pertaining to applicant requirements and disciplinary guidelines.

Confidentiality agreements regarding settlements

Confidentiality agreements regarding settlements can cause delay and thwart a Board's effort to investigate possible cases of misconduct, thereby preventing the Board from performing its most basic function – protection of the public.

Recommend: Define in regulation that participating in confidentiality agreements regarding settlements is unprofessional conduct.

Failure to provide documents and Failure to comply with court order

Require a licensee to comply with a request for medical records or a court order issued in enforcement of a subpoena for medical records.

Recommend: Define in regulation that failure to provide documents and noncompliance with a court order is unprofessional conduct.

Psychological or medical evaluation of applicant

Authorize the Board to order an applicant for licensure to be examined by a physician or psychologist if it appears that the applicant may be unable to safely practice the licensed profession due to a physical or mental illness; authorize the Board to deny the application if the applicant refuses to comply with the order; and prohibit the Board from issuing a license until it receives evidence of the applicant's ability to safely practice.

Recommend: Amend regulations pertaining to applicant requirements that a psychological or medical evaluation may be required.

Sexual misconduct

Currently defined in B&P Code §726.

Recommend: Define in regulation that sexual misconduct is unprofessional conduct.

Failure to provide information or cooperate in an investigation

Make it unprofessional conduct for a licensee to fail to furnish information in a timely manner or cooperate in a disciplinary investigation.

Recommend: Define in regulation that failure to provide information or cooperate in an investigation is unprofessional conduct.

Failure to report an arrest, conviction, etc.

Require a licensee to report to the Board any felony indictment or charge or any felony or misdemeanor conviction.

Recommend: Define in regulation that failure to report an arrest, conviction, etc. is unprofessional conduct.

BOARD ACTION OR REASON FOR NO ACTION

Revocation for sexual misconduct

Denial of application for registered sex offender

Sexual misconduct

The Board does not believe there is a sufficient nexus to the Board's regulated professions, as there would be to the healing arts professions, to require the automatic denial or revocation of a license if the person had been convicted of a sexually-based offense, as was proposed by several of the items. The Board already has the statutory authority to deny or revoke a license based on a conviction of a crime that is substantially related to the regulated practice and regulations that define the substantial relationship and that address the rehabilitation evidence that the Board must consider prior to denying or revoking the license. The Board believes these laws are sufficient to ensure public protection in the event that an applicant or licensee is convicted of a sexually-based offense, especially with the added statutory authority that the Board now has to obtain fingerprints and criminal histories of its applicants.

Psychological or medical evaluation of applicant

The Board also did not believe there was a sufficient nexus to its regulated professions, as there was for the healing arts professions, to support requiring applicants to submit to psychological or medical evaluations as a condition for licensure.

Confidentiality agreements regarding settlements

Legislation was passed to add a provision to the Business and Professions Code (Section 143.5) to prohibit licensees from including conditions in civil settlements that would prevent a consumer from filing a complaint or cooperating with the licensing boards during an investigation. As such, there is no need for the Board to adopt a regulation addressing that issue.

Failure to provide information or cooperate in an investigation
Failure to provide documents and Failure to comply with court order

As the Board noted in its last Sunset Review and Response, the Board did not have the statutory authority to adopt regulations to require a licensee to cooperate with the Board and its staff or other representatives (such as DOI or the AG's Office) during the course of an investigation. As such, the Board could not pursue regulations to address this and sought to obtain the Committees' assistance to enact a statutory requirement similar to that already in place for the Contractors State License Board (Business and Professions Code section 7111.1). Sections 6775.2, 7860.2, and 8780.2 were added to the B&P Code, effective January 1, 2016, to address this issue (Chapter 428, Statutes of 2015).

Failure to report an arrest, conviction, etc.

The Board's statutes already require its licensees to report convictions; therefore, there is no need for the Board to enact regulations for such a requirement.

Board delegation to Executive Officer regarding stipulated settlements to revoke or surrender license

The Board is the final decision maker in matters relating to formal disciplinary actions taken against licensees. The Board did not believe it was appropriate to abrogate its responsibility to make these decisions, especially in cases that involve taking away a licensee's right to practice. Furthermore, allowing the person (the Executive Officer) who has the ultimate authority to negotiate a settlement to be the one to adopt the settlement as a final decision gives the appearance of a conflict of interest, bias, and lack of oversight by the Board. Additionally, the Board's statutes indicate that a person must wait three years to petition the Board for reinstatement of a revoked license, unless the Board specifies a shorter period of time in its order of adoption of the final decision; when considering whether to adopt a default decision that orders the revocation of a license, the Board always considers whether it should reduce that time period, and sometimes chooses to do so. This is a decision that must be made by the Board. Finally, the Board does not believe that allowing the Executive Officer to adopt default decisions and stipulations for surrender or revocation would have much impact on the aging of the Board's cases, which was the stated reason for DCA's recommendation of such delegation. The Board meets often enough to take action without delay and can also vote on formal disciplinary

actions via mail ballot. As such, the Board voted to decline to amend its regulations to delegate the authority to adopt default decisions and stipulations for surrender or revocation to its Executive Officer.

IT Issues and BreEZe

The Board is not utilizing BreEZe because it is one of 19 boards and bureaus in the former Release 3 implementation of BreEZe.

The following is an excerpt from Joint Sunset Review background paper for the Department of Consumer Affairs - Oversight Hearing, March 5, 2018, Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions.

> Release 1 went live in October 2013, serving ten programs. Release 2 went live in January 2016, serving eight programs, and Release 3 was removed from the project entirely in 2015, impacting 19 programs. According to DCA, programs that were previously scheduled for Release 3 of BreEZe will be utilizing the Department of Technology's Project Approval Lifecycle process to determine what IT solution best meets their individual business needs. DCA notes that the objective of this four-step process is to match an entity's organizational readiness and business needs with the most appropriate IT solution.

DCA provided the Board with a Fund Analysis worksheet that identifies all actual and projected costs associated with the BreEZe program. Even though the Board does not utilize BreEZe, actual expenses for the Board total $1,380,033 since FY 2009/10 through FY 2016/17. Projected expenses for FY 2017/18 are $340,000 with no expenses identified in FY 2018/19. DCA has identified that a credit for FY 2017/18 should reduce the amount currently projected.

The Board currently depends upon DCA's legacy systems, the Applicant Tracking System (ATS) and the Consumer Affairs System (CAS) for the day-to-day operations of processing applications, licensure, and enforcement efforts. Due to the extended reliance upon these legacy systems, operations at the Board require additional workarounds for data tracking and storing information, mainly through the use of other software, such as Microsoft Access or Excel.

Since FY 2015/2016, the Board self-embarked on a Business Modernization Study with consulting vendors to map, analyze, and document As-Is and To-Be processes, develop stakeholder requirements that have been converted to functional system requirements, and create use cases that correspond to the To-Be processes, as well as conducting extensive market research on the solutions available and in use both by other State of California agencies and similar licensing boards nationwide. In addition, we have been working in concert with the DCA Office of Information Services (OIS) through the California Department of Technology's (CDT) Project Approval Lifecycle (PAL) process towards acquiring a new application licensing management system. In February 2018, the Board received Stage 1 – Business Analysis approval and is completing the necessary documents to submit Stage 2 – Alternatives Analysis with CDT prior to the end of the 2018 calendar year. The Board is committed to seeking a comprehensive licensing and case management solution that will facilitate applicant processing,

licensing and renewals management, enforcement case management and monitoring, cashiering, and other data management capabilities. DCA Office of Information Services (OIS) is fully supporting the Board's effort to transition off of the legacy systems and move through the PAL approval process with CDT.

BOARD ACTION AND RESPONSE TO PRIOR SUNSET ISSUES

SECTION 10

Section 10
Board Action and Response to Prior Sunset Issues

The Board was last reviewed in 2014-2015 by the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development. During that review, the Committees addressed 19 issues. The issues, and the Board's actions, are described below.

Issue #1: Posting of Licensees' Addresses on the Website. Is the licensee's city and county of record sufficient to post on the on-line License Lookup database?

The Board is no longer considering pursuing legislation to amend B&P Code § 27 regarding what information is disclosed about its licensees' addresses. The Board's licensees have always had the option to provide a home address, a business address, or an alternate address, including a P. O. Box. The Board has updated its application forms to make it clear to applicants that, once licensed, their address of record will be available to the public and to indicate that they do not have to provide their home address. The Board also published an article in its Spring 2015 newsletter advising applicants and licensees about the address of record.

Issue #2: Consumer Protection Enforcement Issues. What efforts has the Board made to implement the DCA recommendations to apply the policy changes outlined in the initiative?

The Board's actions regarding DCA's Consumer Protection Enforcement Initiative (CPEI) are fully described under Section 9 – Current Issues, DCA's Consumer Protection Enforcement Initiative.

Issue #3: Merger of the G&G Account into the PELS Fund. Considering that operational aspects after the merger of the two Boards in 2009 have been consolidated, should the two funds be combined?

Legislation enacted during the 4th Extraordinary Session of 2009 (ABX4 20) eliminated the Board for Geologists and Geophysicists (BGG) and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to this Board. The transfer of authority became effective October 23, 2009. At the time, the former BGG's Geology and Geophysics Fund (0205) was not merged into the Professional Engineer's and Land Surveyor's (0770) Fund. Legislation enacted in 2016 (Bonilla, Chapter 428, AB 177) merged the Geology and Geophysics Account (0205) into the Professional Engineer's and Land Surveyor's Fund (0770). Legislation defined that the merger be effective July 1, 2016, to align with the beginning of the new Fiscal Year. All collected revenues and reported expenditures moved to the Board Fund (0770) and the remaining fund balance is scheduled to be transferred in FY 2018/19.

Issue #4: Out-of-State Travel and Other Travel Restriction Issues. Should travel to professional conferences that directly affect licensure of California licensees and

enforcement of licensing laws be deemed "mission critical" and receive automatic budgetary approval for this type of travel?

During the years leading up to the Board's 2014 Sunset review, the Board indicated a severe impact associated with its ability to appropriately protect the health, safety, welfare, and property of the public due to restrictions on travel. The Board had been unable to obtain approval to travel to the majority of out-of-state meetings with the national organizations that develop, administer, and score the examinations California uses to ensure that applicants for licensure are qualified to practice in California. In addition, the Board had been unable to attend conferences held within California where its members and staff could meet with various licensee and consumer groups to discuss the laws and regulations and services the Board offers.

The national examinations used by the Board for licensure of engineers and land surveyors are developed, administered, and scored by the National Council of Examiners for Engineering and Surveying (NCEES). The examinations used by the Board for licensure of geologists are developed and scored by the National Association of State Boards of Geology (ASBOG) and administered by the Board. The Board's participation is critical to ensure California's interests are expressed and that we are given consideration in decisions that could potentially affect future licensing applicants and current California-based licensees, ultimately trickling down to an impact on the public. Since these are national organizations, the majority of the meetings are generally held outside of California.

NCEES regularly schedules two primary member meetings on an annual basis, an Interim Zone meeting for each zone and the Annual Meeting. Each member board of NCEES is allowed one vote during the Interim Zone meeting and the Annual Meeting for actions associated with changes to the established policies or procedures related to exam development, exam administration, fees charged, model licensing criteria, and overall NCEES organizational goals. Many times, the attendees of these two primary meetings separate into concurrent sessions devoted to engineering, surveying, and board administration/enforcement discussions, which supports the Board's reasoning for making sure a sufficient number of Board representatives are present at the meeting and able to be a voice for California interests. Fifteen of the Board's twenty-two licenses and certifications require passage of the national engineering and land surveying examinations that are developed, scored, and administered by NCEES. Often, the actions will result in changes to the criteria that are considered acceptable for licensure and to the content of the exams. It is important to note that even though the Board or the State does not incur any travel or attendance related costs for representatives of the Board to participate in these meetings, the benefits associated with that attendance far outweigh the annual membership fee that the Board pays to NCEES for the right to utilize the national engineering and surveying exams for California's licensing purposes.

The Board is also an active voting member of the ASBOG. ASBOG is a national non-profit organization comprised of 30 member licensing boards from across the

nation. ASBOG is dedicated to advancing professional licensure for geologists. As discussed, it develops, administers, and scores the national examinations predominantly used to license geologists in the United States. ASBOG regularly schedules Council of Examiner Workshops twice a year and an Annual Meeting usually held in the fall concurrent with the fall workshop. These meetings are generally held to evaluate examination content and determine exam policy and fees.

As such, in-person attendance by California Board representatives at these meetings is critical towards ensuring that these actions are not discriminatory for California applicants and licensees and that the content of the exams is appropriate for licensure in California with due regard to protecting the public health, safety, welfare, and property.

Overall, California represents one-fourth of all applicants for engineering, land surveying, and geology licenses nationwide. Nevertheless, previous denials of travel requests severely curtailed the Board's involvement in the discussion and decision-making on issues that impact the licensees and consumers in our state.

Fortunately, this trend has significantly changed. Since the Board's 2014 Sunset review, representatives from the Board were granted approval to attend the majority of the requested national meetings based on the Board's continued efforts in communicating the mission-critical nature of those discussions as well as the willingness to listen to the Board's concerns by the oversight departments and agencies.

This need for the Board's continued involvement in the national licensing organizations has never been more evident due to the many nationwide discussions in recent years pertaining to the deregulation of occupational licensing in many jurisdictions. It is imperative for the Board to remain vigilant and fully aware of any changes to licensing requirements in other jurisdictions, particularly those that are located within close proximity to California due to the large volume of applicants and licensees who are located out of state. Any significant changes pertaining to the deregulation of professional occupations that the Board regulates could have a substantial impact on the ease of licensing mobility across states and a potential increase in the volume of unlicensed complaints due to individuals/businesses becoming unaware that California's regulations require licensure.

More recently, and due directly to the Board obtaining travel approval, the Board has conducted an internal Business Modernization Study which resulted in several substantial changes to how it conducts operational business. More specifically, these changes have led the Board to implement a more flexible model for future licensing candidates to sit for national examination components required by California law, which in turn facilitated a change in application guidelines to eliminate unnecessary deadlines towards streamlining the initial application and licensing process for many of the Board's applicants. Due to the concerted collaboration at national meetings with similar boards in other jurisdictions, these changes are also

being implemented, or at least being considered for implementation, in a significant number of other jurisdictions with the overall goal to reduce any actual or perceived restriction to multi-jurisdictional licensing models.

The Board will continue to seek out-of-state travel approval to attend national examination meetings in order to affect policy and influence positive change on behalf of our applicants and licensees. Voting is the key component to attendance and this requires Board members and staff to be physically present. Actions associated with changes to the established policies or procedures related to exam development, exam administration, fees charged, model licensing criteria, and overall organizational goals are put to vote. As such, in-person attendance by California Board representatives at these meetings is critical towards ensuring that these actions are not discriminatory towards California applicants and licensees and that the content of the exams is appropriate for licensure in California with due regard to protecting the public health, safety, welfare, and property. Overall, California represents one-fourth of all applicants for engineering, land surveying, and geology licenses nationwide. Our attendance in force to participate in the issues should be equal to our population size.

Issue #5: Pro Rata. What services does BPELSG receive for its share of pro rata?

Through its various divisions, DCA provides centralized administrative services to all boards and bureaus, including such services as personnel (human resources), budget monitoring, contract review and approval, legislative and regulatory review, legal services, public affairs (editing/designing the newsletter), cashiering, training, travel reimbursement processing, and some information technology services.

The pro rata calculation is dependent upon the service provided. Some services are distributed based on staffing levels at the Board ("position allocation," such as personnel services), and some are service-level based ("cost per service," such as publication design and editing). DCA, in consultation with the Board, annually reviews and determines the pro rata to be charged to the Board. The Board continually monitors pro rata as part of its review of its overall budget.

Issue #6: The Need for Continued Licensure of Geophysicists in the State of California. Should the licensing of Geophysicists continue in this State and should the Board still have to provide a State-specific Professional Geophysicist (PGp) Examination to potential applicants for licensure?

The 2014 Sunset Review discussed a previous issue from the 2010 Sunset review related to the need to continue the regulation of the Professional Geophysicist (PGp) license. Some concerns in the past included the difficulty in the recruitment of in-state subject matter experts to assist with developing and constructing a legally-defensible licensing examination; the cost of developing such an examination, and the level of protection of the public that licensure actually provides.

The Board discussed this issue during its meeting on April 15, 2015, where many individuals from the geophysicist and geologist community presented testimony

pertaining to the benefits their clients receive due to the fact that they hold a license issued by a state agency in support of their belief that the geophysicist license should be continued. After much discussion and consideration of the testimony, the Board voted to recommend to the Committees that no changes be made at that time on the issue of the Professional Geophysicist license even though the Board recognized that the costs directly related to application processing and examinations are not sustainable due to continued low interest in obtaining a geophysicist license. The Board agreed to closely review and consider suggestions from the affected parties related to reforms, including but not be limited to:

- Reduction for the frequency of exam administration (i.e., every other year).
- Eliminating the authorization for Professional Geologists to practice geophysics.
- Realign all examination development processes to reflect private practitioner workload.
- Implement mandatory participation requiring licensees to assist with exam development.

Since that time, the Board has continued to monitor the applicant and licensee populations, as well as the interest in the profession to assist in exam development for future licensure examinations. The chart below lists the application and examination totals for the last four years.

Professional Geophysicist Applicant Population				
Examination Cycle	Number of New Examinees	Number Re-Attempting Examination	Number of Examinees Who Passed Exam	Pass Rate
2014	4	2	1	17%
2015	3	5	4	50%
2016	8	1	5	56%
2017	4	2	5	83%

Below is a list of the total population of the Professional Geophysicists (PGp) as of the end of FY 2017/18.

Licensee Population					
		FY14/15	FY15/16	FY16/17	FY17/18
Professional Geophysicist License	Total Active	140	144	149	154
	Out-of-State	56	58	61	64
	Out-of-Country	4	4	4	4
	Delinquent	35	35	35	35

NOTE: "Out of State" and "Out of Country" are two mutually exclusive categories. A licensee should not be counted in both. "Active" status includes all active licenses regardless of where the licensee is located.

A significant issue relating to the licensure of geophysicists is the inability to retain a sufficient number of subject matter experts for developing licensing examination content and validation. Despite the Board's open and active efforts to recruit licensees for examination development, and the initial willingness of the professional licensing community's commitment to assist in this regard, the Board has continued to encounter significant difficulty in obtaining the services of the minimum number of subject matter experts required to properly support examination efforts.

The Board's psychometric vendor normally requires a minimum number of licensed subject matter experts to participate in the necessary exam development workshops for the production of a legally-defensible exam appropriately designed to measure the competence of licensing candidates. The PGp examination development normally requires three meetings per year to properly develop an examination and determine a recommended passing score. Under preferable conditions, this would require 15 to 18 licensed subject matter experts on an annual basis to support adequate exam development efforts. Over the last four years, the Board has been able to secure a total attendance of only 6 to 8 individual subject matter experts on an annual basis, and typically 3 to 4 of those same experts attend multiple meetings. As a result, the Board's psychometric vendor has raised concerns over how the statistical validity of the examination could be questionable simply due both to the low number of subject matter experts involved and the low number of exams in which to derive statistics from. While every effort is made by the Board to ensure that the examination process meets the same level of public protection assured through the examination processes for the Board's other examinations, it is unknown, statistically speaking, whether the examination is serving its purpose simply due to the low number of examinees and the relatively low involvement from the professional community.

Another obstacle to recruitment is that the Board can only contract with licensees who reside within the state. As noted in the Licensee Population chart above, a significant portion of the licensee base resides outside of California. While the trend appears to show a slight increase in licensees, it is primarily in those licensees who reside out-of-state. The Board believes this increase is more reflective of out-of-state individuals seeking to comply with a law that is unique to California rather than an indication that the geophysicist profession is becoming more popular or necessary within the state. It is important to note that California may soon be the only state that licenses individuals as geophysicists and regulates the practice of geophysics as a separate practice. Texas, previously the only other state to license geophysicists, is in the legislative process considering abolishment of its Board of Professional Geoscientists, which regulates the practice of geophysics. [The decision date for abolishment is currently scheduled for November 14-15, 2018]

In addition to the technical component of the examination development, there are several significant examination expenses directly related to the PGp examination:

- The cost to develop, administer, and score the PGp examination averages $17,000 to $21,000 a year, including the recruitment of expert consultants and the facilitation of development workshops.
- The additional costs of approximately $40,000 to perform an Occupational Analysis and Test Plan. (It is the Board's policy to require a new Occupational Analysis and Test Plan every five to seven years in accordance with normal licensing examination development industry standards for all its examinations.)

Based on the Applicant Population chart shown above and an average of five new geophysicist applicants annually, the Board incurs a net line item loss of $5,242 to $6,439 annually (based on the required application or exam fees of $350 each, which accounts for $1,750 total revenue each year). Factoring in the requirement for producing a new Occupational Analysis and Test Plan every five years, the Board incurs a net line item loss of $10,242 to $13,106 on an average annual basis simply to produce the PGp examination.

Since California is the only known jurisdiction that issues geophysicist licenses separate from geologist licenses, the Board does not have other sources of examination content to consider in lieu of defraying costs for developing its own examination. According to a 2018 informal study conducted by the National Association of State Boards of Geology (ASBOG), at the request of the Board, 88% of the 18 member boards that responded indicated that "geophysics" is encompassed within the definition of geology in their respective jurisdictions and would require a licensed geologist to offer and perform services defined as "geophysics."

Additionally, the majority of the complaints the Board receives relating to the practice of geophysics are from licensed geophysicists against unlicensed individuals who appear to be offering geophysical services through websites or other advertisements and have acquired and use highly technical equipment such as ground-penetrating radar (GPR) instruments. While use of these instruments does provide an indication that the practice of geophysics could potentially be occurring, the Board only licenses individuals, not tools, and it is the use and interpretation of the resulting data that may likely confirm whether a license is required.

The cases sometimes lack sufficient evidence that the unlicensed individuals have actually performed work for consumers in California or that they performed work in a manner that poses a threat to the health, safety, welfare, and property of the public. Many of the firms advertising these services are located or otherwise originated in locations outside of California. Many of these unlicensed individuals are unaware that the services they are offering nationwide are regulated in California and a license is required.

Issue #7: Delinquent Reinstatements and Inactive Status. Should the Board adopt an "inactive" license status and standardize the requirements to reinstate delinquent licenses across all professions?

In 2016, the Board sponsored legislation (SB 1165 (Cannella), Chapter 236, Statutes of 2016) to extend the period in which professional engineers and land surveyors may renew delinquent licensees from three years to five years and removed the provisions that allowed for the reinstatement of a license that had been expired (delinquent) for more than three years. This change brought the provisions for engineers and land surveyors in line with similar provisions for geologists and geophysicists. At its September 2018 meeting, the Board directed staff to begin reviewing the laws relating to the retired license status and researching an "inactive" license status. Staff will be presenting the results of this review and research to the Board in the next year.

Issue #8: Review of Experience Requirements to Qualify for Licensure. Are the current experience and education requirements sufficient to ensure adequate competency standards to protect public health, safety, welfare, and property?

Since the 2014 Sunset review, the Board made efforts to address these concerns in several different ways:

SB 1165, Cannella (Chapter 236, Statutes of 2016) – The Board sponsored legislation that amended all three Acts under the Board's jurisdiction to clarify that individuals apply for licensure or certification and not just to sit for an examination.

16 CCR 425 (effective October 1, 2017) – The Board adopted clarifying amendments to the regulation regarding the experience required to obtain a license as a professional land surveyor.

Fall 2017 – The Board implemented changes to the application submittal process to provide more flexibility in allowing potential licensure candidates to schedule and sit for required examinations. This change has streamlined the application submittal and processing procedures.

Currently, the Board is in the process of revising 16 CCR 3031 pertaining to the education requirements for geologist and geophysicist applicants in an effort to more clearly define what would be considered as qualifying education. The regulatory proposal is currently going through the new pre-notice review process implemented by DCA and Agency. The Board anticipates it will be able to notice the proposal for public comment in December 2018.

Issue #9: Examination on California Laws and Regulations. Should the Board institute a required take-home examination relating to California laws and regulations as part of the licensee's renewal application?

During its 2014 Sunset review, the Board expressed concerns with the volume of common violations committed by licensees discovered during complaint investigations that are not necessarily standard of practice issues. The laws and

regulations of the Board are readily available to its licensees on the Board's website. While it is expected that licensees will familiarize themselves of the laws governing their practice, it is apparent that many licensees do not review them on a regular basis or even when significant changes are made.

To ensure adequate public protection and curtail unnecessary complaint investigations, the Board expressed the belief that licensees should be required to periodically demonstrate their knowledge of the state laws and the Board's rules regulating their areas of practice.

Based on the Board's experience, licensees continually fail to adequately and independently stay abreast of critical legal and regulatory updates. The Board proposed that licensees be required to demonstrate their knowledge of the laws and regulations at the time of each renewal in an effort to curb unnecessary practice violations and to assure the public that its licensees are well versed in current applicable law.

While the Board did provide the Sunset Committee with proposed language to this effect, the Committee provided direction by way of a recommendation for the Board to pursue other legislative effort in this regard, separate from the Committee's bill. Subsequently, the Board sponsored SB 1085 during the 2016 legislative cycle which was fully vetted by the legislature and became chaptered, effective January 1, 2017.

Since that time, the Board has consulted with vendors and pertinent programs at the Department of Consumer Affairs (DCA) to arrive at an online delivery solution that would be both cost effective while proving to not be a cumbersome application to the board's licensees, while also providing the Board with a reasonably effective method for determining compliance rates that can be accountable and measurable.

During these consultations, it became apparent that the delivery model necessary for the Board to achieve its legislative purpose was beyond the (then) capabilities of software applications currently in use by DCA or would be cost-prohibitive for the Board to implement. Concurrently during this time, the Board self-embarked on a Business Modernization Study involving all of the Board's processes and operational needs with the overall goal in mind towards improving internal workflows for the Board's entire customer base and the development of stakeholder/system requirements which would primarily be used for the future determination of a new applicant and licensee management system within the Board. As part of this process, system requirements associated with an effective implementation of the proposed renewal assessment were developed.

As further result of this effort, the Board, in close collaboration with the Office of Integration Services (OIS) under DCA, has initiated the Project Approval Lifecycle (PAL) process with the California Department of Technology (CDT); obtained approval of Stage 1 plan for PAL from CDT; and as of the time of this report, recently completed and submitted the Stage 2 plan to CDT for further consideration.

While the Board has encountered rather onerous, and based on the Board's observations in some instances, unreasonable cost expectations associated with the aforementioned PAL process implemented by CDT, the Board does anticipate that its responsibilities for implementing the renewal assessment requirements will be included within the planned acquisition/implementation of the new applicant and licensing management system sometime during the 2019-20 time period.

Issue #10: Complaint Timelines Over Two Years to Reach Resolution. Is the Enforcement Program as it currently operates able to reduce its timeline for average complaint resolution to meet DCA's goal into the twelve to eighteen month range?

The Board has aggressively focused its efforts to reduce the average age of resolution of complaint investigation cases. Over the last four years, the average days to complete the desk investigation phase has been reduced to approximately eight months. However, the Board recognizes that it is not yet meeting the goal set by DCA to complete formal disciplinary action cases within 540 days. The external factors affecting this issue are addressed more thoroughly in Section 5 – Enforcement Program.

Issue #11: Licensee Response Requirement. Should the Board have the authority to require a licensee to respond to the Board's requests for information relating to a complaint?

Through the Board's 2015 Sunset legislation (AB 177 (Bonilla), Chapter 428, Statutes of 2015), sections were added to the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act to require licensees to cooperate with the Board during investigations of the licensees themselves. The successful effectiveness of these laws is fully addressed in Section 5 – Enforcement Program. Additionally, when these laws were enacted, a sunset date of January 1, 2020, was included to allow time to monitor how effective the requirement would be. Based on the low number of licensees who fail to respond to and cooperation with the Enforcement Unit during the investigations, the Board believes these laws are working as intended and the sunset date included in each section needs to be eliminated so that these laws will be permanent.

Issue #12: Unlicensed Activity – Online Advertising and Cellular Telephones. Should the Board have the ability to request the shut-down of websites and cellular phones for persons engaged in the unlicensed practice of the professions?

The use of mobile telephones and web sites for the purposes of advertising professional services has greatly increased since the Board's last Sunset Review. The Board would like to continue to pursue studying methods to inhibit illegal solicitation of services and the management of businesses by unlicensed individuals. This matter is more fully discussed in Section 5 – Enforcement Program and Section 7 – Online Practice Issues.

Issue #13: Citation and Fine Recovery Options. Should the Board have other options for recovering fines from unlicensed persons?

The Board currently has few feasible options for recovering fines from unlicensed individuals. The Board does participate in the FTB recovery program, which allows collection of state tax refunds and lottery and gambling winnings. The only other options available to the Board, pursuing collection through the civil courts or collection agencies, are cost-prohibitive. The Board's ongoing concerns with the recovery of fines from unlicensed individuals are more fully discussed in Section 5 – Enforcement Program, Cite and Fine.

Issue #14: Regulation of the Business Entity Requirements. How can the Board monitor compliance, oversight, and enforcement of the requirement that business entities be properly structured under BPC § 6738 and BPC § 8729?

The Board's ongoing review of the issues regarding the regulation of business entities is fully discussed in Section 5 – Enforcement Program.

More specifically, the Board would like to research options for licensing companies, such as Certificates of Authorization which are issued in many other states, in order to provide the Board the opportunity to exercise more authority over companies not operating in compliance with the Board's law. The Board has been exploring, through its Business Modernization Project, means to integrate certain data elements that will better enable the tracking of licensee association with California companies operating in California. The Board would also like to enact the same requirements for geology and geophysics companies as may be enacted for engineering and land surveying companies.

Issue #15: BreEZe Rollout. What is the status of BreEZe implementation by the Board?

As addressed in Section 9 – Current Issues, IT Issues and BreEZe, the Board is one of the 19 boards and bureaus that were formerly scheduled to be in Release 3 for BreEZe implementation when that release was removed from the project. The Board is currently still on DCA's legacy systems, the Applicant Tracking System (ATS) and the Consumer Affairs System (CAS), for the day-to-day operations of processing applications, licensure, and enforcement efforts, with additional tracking through workarounds using spreadsheets and databases created in-house. The Board is currently participating in the Department of Technology's (CDT) Project Approval Lifecycle (PAL) (project #1111-016). The status of this project is fully addressed in Section 9 – Current Issues, IT Issues and BreEZe.

Issue #16: Webcasting. Should the Board be required to webcast its meetings?

The Board believes that providing opportunities for the public to actually participate in the discussions at Board meetings is of prime importance; however, webcasting does not allow for such actual participation by the public. A webcast is simply a static video recording; it is not a video conference that allows for interaction between the individuals physically present at the meeting location and those viewing it

remotely. The Board's concerns with webcasting are fully discussed under Section 6 – Public Information Policies, Webcasting and Meeting Calendar.

Issue #17: Technical, Clean-Up Legislation. What BPC sections need non- substantive updates and what language is needed to standardize the Professional Engineers Act, the Land Surveyor's Act, and the Geologists & Geophysicists Act?

Since the last Sunset Review, legislation has been enacted to standardize and provide technical clean-up of various provisions in the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act. This legislation is summarized in Section 1 – Background and Description of the Board and Regulated Profession, All Legislation Sponsored by the Board and Affecting the Board Since the Last Sunset Review. Other clean-up legislation identified by the Board is addressed under Section 11 – New Issues.

Issue #18: Definition of Significant Structures and Requirement that Limits Their Design to Structural Engineers. Should "significant structures" language be added to BPC §6735 that limits the design of these designated structures to licensed structural engineers?

As directed by the Committees during the last Sunset Review, the Board facilitated discussions between the professional associations regarding the proposal by the Structural Engineers Association of California (SEAOC) and provided a status report to the Committees in 2016. A copy of the letter sent to the Committees is included in Section 12 – Attachments, Attachment G. It is the Board's understanding that SEAOC is still considering pursuing this proposal; however, until legislation is introduced, the Board has no involvement in this matter.

Issue #19: Continued Regulation by the Board. Should the licensing and regulation of engineers, land surveyors, and geologists be continued and regulated by the current Board membership?

Legislation enacted in 2016 (AB 177 (Bonilla), Chapter 428, Statutes of 2016) continued the regulation of engineers, land surveyors, geologists, and geophysicists by the Board for another four years. The Board believes the information contained in this report supports the continued operation of the Board.

NEW ISSUES

SECTION 11

Section 11
New Issues

The Board has identified three new issues to address with the Committees. These issues are described below, along with any action needed to address them.

FIRST NEW ISSUE – TECHNICAL, CLEAN-UP LEGISLATION

In accordance with Strategic Plan Goal 3 to ensure that statutes strengthen and support the Board's mandate and mission, Board staff continuously reviews the laws to determine if any technical, clean-up changes need to be made. The following are the sections that have been identified as needing amendment or addition. The Board has specific language ready to provide to the Legislature to accomplish these changes.

- Section 6704.1 – This section relates to the review of the engineering branch titles to determine whether certain title acts should be eliminated, retained, or converted to practice acts (the so-called "Title Act Study"). The law required the Title Act Study report to be submitted to the Legislature in 2002. The report was submitted as required. As such, this section is now obsolete and should be repealed.

- Section 8727 – This section provides an exemption to the licensure requirements in the Professional Land Surveyors' Act regarding who may legally perform surveys solely for geological or landscape purposes that do not involve property boundaries. At the time Section 8727 was originally added, there were no licensure laws governing the practices of geology or landscape architecture, as there are now. This section needs to be updated to clarify that the exemption applies only to those individuals legally authorized to practice geology or landscape architecture.

- Sections 6787, 7872, and 8792 – These three sections describe actions that constitute "unlicensed activity" if done by people not legally authorized under the three licensing acts. These sections contain outdated and confusing cross references to other sections. Language also needs to be added to make it clear that it is a violation to use a licensee's signature or license number, as well as their name or seal. Other changes are needed to standardize the three sections with each other.

- Section 7860.1 – Currently, the Board has the authority to take action against the holder of an Engineer-in-Training certificate under Section 6775.1 and the holder of a Land Surveyor-in-Training certificate under Section 8780.1, but it does not have the same authority with regards to the holder of a Geologist-in-Training certificate. As such, a section needs to be added to give the Board that authority.

- Sections 6775.2, 7860.2, and 8780.2 – These sections need to be amended to remove the subdivision containing a sunset date. It has been demonstrated in the years since these laws were enacted (in 2016) that they are effective and have not been abused by the Board. Based on the low number of licensees who fail to respond to and cooperation with the Enforcement Unit during the investigations, the Board believes these laws are working as intended and the sunset date included in each section needs to be eliminated so that these laws will be permanent.

SECOND NEW ISSUE – UNLICENSED ACTIVITY TRENDS

Over the last several years, the Board, by way of discussions with professional organizations and through its own workload, has increasingly observed the proliferation of activities that ordinarily require performance or oversight by an appropriately licensed individual. This increase in activity coincides with the advancement of electronic technology and more common availability of sophisticated equipment or tools, particularly as the use of that equipment or tools relates to the practice of land surveying and geophysical studies.

While the Board has consistently stated that it is primarily the activities or actions being offered or conducted by the individuals that would be considered the practice and not directly the equipment or tool itself, these communications are not easily conveyed or understood by the general layperson or even licensees.

A prime example of this point centers around the use of Geographic Positioning System technology, more commonly referred to simply as "GPS". By its very nature, GPS equipment calculates a three-dimensional position relative to, or on, the "mathematical model" of the earth's surface. That is its sole intended purpose. Inherently, there is no practical manner in which GPS technology can be used without taking into account a (known) mathematical model of the earth's surface.

Licensed land surveyors have used the sun and stars to perform calculations on positions relative to the earth's surface for hundreds of years and more practically speaking since the early stages of the 20th century when, many decades prior to the introduction of GPS technology, agencies of the federal government published national modeling and geodetic positioning system standards. In California, the Professional Land Surveyors' Act addresses the use of geodetic "coordinate" positions relative to these federal positioning standards as part of the definition of land surveying (Business and Professions Code, section 8726(f)). The evolution of GPS technology and decreased cost of equipment have only simply made the acquisition and use of that equipment or tools more easily accessible to many others outside of the traditional land surveying industry.

Unfortunately, GPS equipment is not a perfect tool and just like any other highly sophisticated tools, can produce inconsistent or incorrect results if not used properly.

This evolution has also made it very easy for many to use this technology to quickly achieve incorrect results, and if the individual(s) using this equipment or tool is not well versed and skilled in understanding how to mitigate errors by employing the proper techniques or methodologies, less knowledgeable reliance upon that data may result in errors being produced by its usage.

The Board is *not* stating that all usage of GPS equipment or tools is considered the practice of land surveying. Rather, the Board is stating that *if* that equipment or tool is being used to conduct activities that would ordinarily constitute the practice of land surveying, then it is very likely that the activity requires a license to practice in order to protect the public from improper and unknowledgeable application of technology.

The Board believes that the public has a need and a right to rely upon those individuals that have achieved an acceptable level of confirmed competence necessary to receive a license and to practice their craft within safe and reliable standards.

Another practical example, somewhat also related to the indirect use of GPS, but more directly related to the use of another highly sophisticated tool, Ground Penetrating Radar, is more commonly known as "GPR" technology. Simply put, GPR technology is an electromagnetic equivalent to sonar commonly used over bodies of water, but in the case of GPR, the electromagnetic waves are conducted through the earth to detect abnormalities within the subsurface portion of the earth's crust. It is the Board's understanding that licensed geophysicists consider GPR equipment as only one tool in their proverbial tool box which should primarily be used only in situations along with other technology or equipment to confirm data findings prior to reporting.

As with the use of GPS equipment, it is *not* the actual operation of GPR equipment or tool that is considered the practice of geophysics in California, but rather the intended purpose and interpretation of the data results that is being produced by the GPR device including any subsequent recommendations for how to rely upon that data which is considered an activity associated with the practice of geophysics in California. While primarily designed for the above stated purpose, many users of GPR technology also use the equipment to detect the presence of reinforcing steel within concrete buildings and bridges or for use by law enforcement personnel during criminal investigations for the purposes of recovering evidence of organic material within the subsurface of the earth.

More recently, the Board has seen an increase in the purported use of GPR instrumentation particularly by businesses that provide on-site field services throughout the nation and state involving the presence of locating existing underground utilities (i.e., water, sewer, gas pipelines; communication cables, etc.) prior to excavation efforts brought on due to engineering design, construction or utility maintenance efforts. It appears that many individuals/businesses that provide such services which involve the act of "finding" these existing underground utilities is increasing on a nationwide level due to the aging of infrastructure, and many just are not expecting to encounter the unique geophysical licensing requirements as regulated in California.

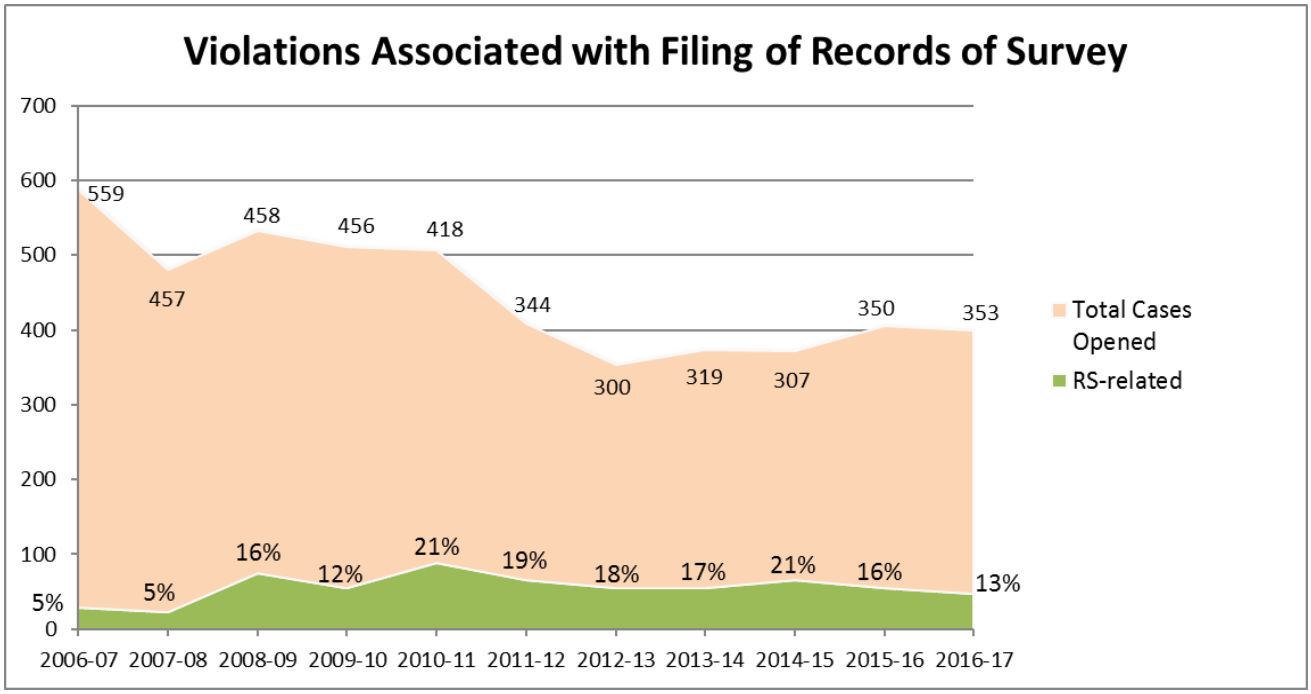
While the Board has participated in several outreach presentations at industry events related to the use of GPR and related services and has established a close working relationship with the recently formed California Facilities Safe Excavation Board (https://digsafe.fire.ca.gov/) in an effort to collaborate and extend its reach, the Board continues to receive complaints about this practice and encounters individuals/businesses throughout the state that are completely unaware of the geophysics licensing requirements or that they may be in violation of several state laws.

THIRD NEW ISSUE – REVIEW OF PROFESSIONAL LAND SURVEYORS' ACT AND BOARD RULES RELATED TO THE PREPARATION AND SUBMITTAL OF RECORD OF SURVEY AND CORNER RECORD REQUIREMENTS

Background

B&P Code §§ 8762-8770.5 are primarily associated with Records of Survey and B&P Code §§ 8773-8773.4 and 16 CCR 464 with Corner Records.

Due to the unique nature of these requirements being considered as administrative while simultaneously related to the technical nature of the practice, the Board chose to track allegations of violations of the laws relating to Records of Survey and Corner Records as a separate statistical category for at least the last 25 years.



NOTE: Data currently not available for 2017-18

An average of 15% of the total investigation cases opened annually during the last decade correspond to allegations related to violations of the Board's laws associated with the requirements to file a Record of Survey or a Corner Record, with a peak of 21%

occurring in 2010-11 and 2014-15. This trend has become increasingly more noticeable given that the number of these subject cases has remained relatively constant over the last decade while the overall number of cases opened has decreased. It is important to note that this data only represents what was actually reported to the Board and according to informal industry accounts, the number of violations is likely much higher.

As expected, Board staff is regularly exposed to incidents associated with substandard map submittals as well as inconsistencies with how County Surveyor Offices across the state interpret and implement the applicable requirements associated with their responsibilities on these matters. More recently over the last couple of years and primarily due to these reasons, Board staff has initiated outreach with the intent to assist various County Surveyor offices around the state by reviewing their procedures and policies related to the County Surveyor's responsibilities in receiving, reviewing, and processing submitted Records of Survey and Corner Records.

As a result, Board staff has informally sought the level of interest among those County Surveyors and the private (submitting) practitioners for the Board to provide an increased level of clarification of the requirements to help with resolving the inconsistencies.

<u>Goals</u>

1. Clarify the role and responsibilities of the "submitting" land surveyor relative to documenting the survey on the mandated map.
2. Clarify the role and responsibilities of the County Surveyor as it relates to the responsibilities to receive/review and file the submitted map.
3. Reduce the level of non-compliance which should result in a decrease in volume of related enforcement cases.

<u>Objectives</u>

1. Identify areas of concern associated with the current statutory/regulatory requirements.
2. Evaluate how best the Board can assist with clarifying the administrative requirements associated with the preparation and filing of Records of Survey and Corner Records.
3. Create or revise regulations for the purposes of establishing clarity and expectations for all the licensed professionals to follow in these processes.

<u>Proposed Process</u>

At its September 2018 meeting, the Board directed staff to proceed with the following tentative schedule as we work to ensure effective collaboration within the professional surveying community while also striving to standardize the responsibilities and processes more effectively throughout the state:

A. Introduce these efforts collaboratively with the licensed surveying community.

B. Facilitate “workshops” for the purposes of capturing and identifying areas of concern relative to the current statutory/regulatory requirements while also educating/advising on compliance.
C. Staff compile information learned from these efforts.
D. Interim report to Board with findings.
E. Schedule a Land Surveying TAC meeting to obtain technical input relative to the recommendations
F. Final report to Board with recommendations on how best to proceed which may include regulatory and/or legislative actions.

ATTACHMENTS

SECTION 12

Section 12
Attachments

A. Board Member Manual

B. Current Organizational Chart Showing Relationship of Committees to the Board and Membership of Each Committee

C. Year-End Organization Charts for Fiscal Year 2014/15 through Fiscal Year 2017/18

D. 2015 Strategic Plan and 2017 Updated Strategic Plan

E. Quarterly and Annual Enforcement Performance Measures Reports for Fiscal Year 2014/15 through the first two quarters of Fiscal Year 2017/18, as published on the Department of Consumer Affairs website

F. Enforcement Statistical Report for Fiscal Year 2017/18

G. 2016 Letter to the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions Regarding the Structural Engineers Association of California's "Significant Structures" Proposal

ATTACHMENT A

Governor Edmund G. Brown

Board for Professional Engineers, Land Surveyors, and Geologists

Board Member Manual

Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive
Sacramento, CA 95833
(916) 263-2222

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5. DEPARTMENT OF CONSUMER AFFAIRS (DCA)

- Organizational Charts
- DCA's 2017-2020 Strategic Plan

6. NCEES, ABET, and ASBOG

- NCEES Mission and Vision
- Accreditation Board for Engineering and Technology (ABET) Mission and Vision
- Guide for Observers on Accreditation Visits
- National Association of State Boards of Geology (ASBOG) Mission Statement and Objectives

7. TRAVEL INFORMATION

- Travel Guide (brochure in binder pocket)
- Travel Expense Claim Form
- Travel Information At-A-Glance
- Board Member Time Log

8. LAWS AND REGULATIONS (Spiral Bound Publication**)**

- Rules of the Board for Professional Engineers and Land Surveyors
- Regulations Relating to the Practices of Geology and Geophysics
- Professional Engineers Act
- Professional Land Surveyors Act
- Geologist and Geophysicist Act

1. THE BOARD – GENERAL INFORMATION

- 2015 – 2018 Strategic Plan
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Strategic Plan

Board for Professional Engineers, Land Surveyors, and Geologists

Updated Plan Adopted: July 27, 2017

Original Plan Adopted: July 31, 2014

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California Board for Professional Engineers, Land Surveyors, and Geologists

Members of the Board as of July 27, 2017

Natalie Alavi, P.E. – Mechanical Engineer Member

Fel Amistad, Ph.D. – Public Member

Kathy Jones Irish – Public Member

Asha M. B. Lang – Public Member

Eric Johnson, P.E. – Electrical Engineer Member

Coby King – Public Member

Betsy Mathieson, P.G., C.E.G. – Geologist Member

Mohammad Qureshi, Ph.D., P.E. – Traffic Engineer Member

Karen E. Roberts, S.E. – Structural Engineer Member

William "Jerry" Silva – Public Member

Robert Stockton, P.E. – Civil Engineer Member

Steven Wilson, P.L.S. – Professional Land Surveyor Member

EDMUND G. BROWN, JR., GOVERNOR
ALEXIS PODESTA, SECRETARY, BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY
DEAN R. GRAFILO, DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS
RICHARD B. MOORE, EXECUTIVE OFFICER, BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
NANCY A. EISSLER, ASSISTANT EXECUTIVE OFFICER, BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

About the California Board

The California Legislature created the Board of Registration for Civil Engineers in 1929, following the failure of the St. Francis Dam in northern Los Angeles County. On March 12, 1928, the dam, which was located northeast of Castaic, suddenly gave way. A huge wall of water cascaded down the narrow valley of the Santa Clara River and when the water hit the town of Santa Paula, almost 50 miles downstream, the crest was still 25 feet high. The dam failure unleashed 12 billion gallons of water through the towns of Piru, Fillmore, Santa Paula, and Ventura before it reached the ocean. Lives lost numbered approximately 450; property damage was in the millions of dollars; 1,200 houses were demolished; and 10 bridges washed out. After the flood, inspection revealed that the dam was built on, and anchored to, a weak and faulted rock formation. The Legislature determined that the unregulated design of construction projects constituted a hazard to the public and passed laws to regulate civil engineering and to create the Board.

Although Civil Engineers first became licensed in 1929, Land Surveyors have been licensed in California since 1891 in accordance with an act to establish land surveying that was enacted March 31, 1891. That was the year the Legislature established the State Surveyor General. However, in 1933, the Legislature abolished that office and enacted the Professional Land Surveyors' Act. The Act expanded the Board's authority to include jurisdiction over licensing of land surveyors and regulation of surveying practices. Until then, local governments had been interpreting the laws governing subdivision maps and recordation of parcel boundaries in widely differing ways for many years. Many land surveyors ignored basic legal requirements concerning subdivision maps and survey records. Some counties allowed boundary monuments to be moved or even destroyed. Legal disputes over property boundaries cost the state and the public millions of dollars. Regulation of land surveyors brought about uniform enforcement of survey law and is in the best interests of the state and California consumers.

Over the years, the Board has experienced some major changes under the provisions of the Professional Engineers Act. The number of branches of engineering regulated by the Board has increased, and the status of some of the older branches has changed. When electrical and mechanical engineering were first covered by the registration law in 1947, the law only affected the use of the titles. In 1967, the Act was amended to regulate the practice of those branches, as

well as the titles. In the late 1960s and early 1970s, the Act was also amended to give the Board the right to accept additional branches of engineering into the registration program. The additional categories were for the purpose of regulating the use of the titles of those engineering branches. Between 1972 and 1975, the Board expanded the registration program to include nine additional branches of engineering under its jurisdiction. In 1986, at the Board's request, the authority to create new title registration branches was removed from the Act. In the late 1990s and early 2000s, four of the title registration branches were deregulated.

In 2009, legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors. Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

The Board consists of 15 members (seven licensed members and eight public members) who are appointed to the Board for four-year terms. Each member may serve a maximum of two full four-year terms. The seven licensed members and six of the public members are appointed by the Governor. One public member is appointed by the Senate Rules Committee, and one public member is appointed by the Speaker of the Assembly. The seven licensed members represent various branches of engineering (civil, electrical, mechanical, structural, and any other branch), land surveying, and geology or geophysics. One licensed member must be an employee of a State agency, and another license member must be an employee of a local government agency.

Strategic Planning Process

2014 Strategic Plan Original Adoption Process

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of engineers, land surveyors, geologists, and geophysicists; professional associations; California colleges; and others who expressed interest in the strategic direction of the Board. The online survey received 1,202 responses.
- Telephone interviews with Board members in April 2014.
- Two focus group discussions with Board staff in April 2014.
- A manager focus group in April 2014.
- An interview with the Executive Officer and the Assistant Executive Officer in May 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on June 5, 2014. This information guided the Board in the development of its mission, vision, and values, while directing the strategic goals and objectives outlined in the 2015-2018 strategic plan, which was adopted by the Board at its July 31, 2014, meeting.

2017 Strategic Plan Revision Process

The Board views the strategic plan as a living document to be updated and revised as existing objectives are completed and new objectives are needed. To accomplish the first update of its strategic plan, the Board participated in another strategic planning session facilitated by SOLID on April 20, 2017. During this session, the Board discussed the original objectives and classified them into three categories:

- Completed – the objective has been achieved.

- Implemented – the objective has been realized and has become part of the ordinary work of the Board and its staff.
- On-going – work on the objective is still in progress.

The Board chose to revise some of the on-going objectives to better reflect the intent and purpose, as well as adding new objectives. The completed and implemented objectives have been removed from the Goals and Objectives listings and placed under Strategic Plan Accomplishments, with an indication of the year of completion or implementation.

The updated strategic plan was adopted by the Board at its July 27, 2017, meeting.

Mission

We protect the public's safety and property by promoting standards for competence and integrity by licensing and regulating the Board's professions.

Vision

A California that leads the nation in protecting the public and environment with competent and ethical professional services by the Board's licensees.

Values

Integrity
Consumer protection
Fairness
Quality
Customer service

Strategic Goal Areas

1 ***LICENSING***

The Board provides applicants and licensees a method for providing services in California to protect consumers.

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2 ***APPLICATIONS/EXAMINATIONS***

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

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3 ***LAWS AND REGULATIONS***

The Board ensures that statutes, regulations, policies, and procedures strengthen and support its mandate and mission.

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4 ***ENFORCEMENT***

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

---

5 ***OUTREACH***

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

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6 ***CUSTOMER SERVICE***

The Board strives to enhance organizational effectiveness and improve the quality of its services.

2015-2017 Strategic Plan Accomplishments

1.1 – Identify the minimum curriculum required for a qualifying geological sciences degree.	Completed 2017 Board approved proposed regulatory language to begin rulemaking process.
1.4 – Expand credit card transactions to all license types with the implementation of BreEZe.	Completed 2016 Credit card payments for renewals expanded to include all geologist and geophysicist licenses.
1.5 – Recommend potential methods for enacting continuing education requirements.	Completed 2015 Legislation enacted to require completion of online assessment by licensees.
2.1 – Work with DCA to increase Board involvement in all aspects of the national exams.	Implemented 2015
2.2 – Increase exam opportunities for candidates.	Implemented 2015
2.4 – Evaluate and identify ways to reduce the application process timeframes.	Completed and Implemented 2016 Evaluation and identification completed Identified methods, with periodic reevaluation, implemented.
2.5 – Explore costs and benefits of considering, if appropriate, withdrawing from national exams and developing California exams.	Completed 2015 Report of costs to develop and administer exams for all engineering disciplines presented to Board.
2.6 – Examine the appropriateness of current education/experience requirements for licensure.	Completed and Implemented 2017 Rulemaking process begun to update and clarify geological education requirements and land surveying experience requirements. Staff monitors NCEES, other states, and professional associations for any actions or discussions on these topics and reports to the Board as needed.
3.1 – Establish a legislative and regulatory work group of two Board members and staff and provide a written report at Board meetings.	Implemented 2015

3.4 – Seek legislation to merge the Geology/Geophysics fund with Engineers/Land Surveyors fund.	Completed 2016 Funds merged effective July 1, 2016.
4.1 – Leverage collaborative relationships to encourage a reduction in cycle times at the Office of Administrative Hearings, Division of Investigation, and Attorney General's Office.	Implemented 2016
4.2 – Analyze and determine reasonable time frames and develop a benchmark/expectation for each step in the investigation.	Completed and Implemented 2015 Analysis completed Time frames and benchmarks/expectations implemented.
4.4 – Research the feasibility of adding a legal requirement that licensees respond to Board investigative inquiries within a specified period of time.	Completed 2016 Legislation enacted to require licensees who are the subject of an investigation to respond.
5.1 – Develop a multi-phase stakeholder outreach plan.	Completed 2015
5.3 – Produce a newsletter on a quarterly basis that includes enforcement actions.	Implemented 2015
5.4 – Encourage DCA and Agency to approve speaking and/or participating in conferences and other public and/or licensee outreach events.	Completed 2015
5.6 – Proactively educate stakeholders to prevent violations.	Implemented 2016
6.2 – Enhance customer service by providing training for staff.	Implemented 2016
6.3 – Implement a plan to improve internal collaboration.	Implemented 2016

6.4 – Issue licenses on environmentally friendly wallet-sized cards in addition to current paper license.	Implemented 2016
6.5 – Educate the public about the steps and timing in the enforcement process.	Implemented 2016

Goals and Objectives

Goal 1: Licensing

The Board provides applicants and licensees a method for providing services in California to protect consumers.

1.1 Develop and implement an integrated licensing and enforcement case management system.

This new objective was added to reflect the Board's intent to address the need for a new licensing/enforcement system is a high priority.

1.2 Monitor and evaluate the impact of emerging technologies on the professions.

This new objective was added to reflect the need for on-going awareness of emerging technologies and the impact they could have on the professions and how the Board's licensees provide their services to consumers.

Goal 2: Applications/Examinations

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

2.1 Monitor and report annually whether national exams continue to meet California's licensing requirements.

This objective was modified to better illustrate the importance of on-going review of the national exams used by the Board to ensure applicants are qualified for licensure in California.

Goal 3: Laws and Regulations

The Board ensures that statutes, regulations, policies, and procedures strengthen and support its mandate and mission.

3.1 Monitor and evaluate whether changes to legislation or regulations are needed due to emerging technologies and industry practices.

This objective was reworded for clarity.

3.2 Proactively monitor and clarify as needed laws and regulations.

This objective was reworded for to illustrate that the Board monitors its laws and regulations and acts to clarify any that may need clarification.

Goal 4: Enforcement

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

4.1 Maintain complaint investigation cycle times under 180 calendar days.

This objective was modified because the objective to reduce the investigation cycles times to under 180 calendar days has been achieved; the Board is now expressing the objective to maintain that cycle time.

4.2 Reduce formal disciplinary action process cycle times to the DCA-established time period of 540 calendar days.

This objective was modified to clarify that the objective is to reduce the cycle time and that the time period has been established by DCA.

4.3 Improve the technical expert consultant selection process, training, and compensation to enhance quality and quantity.

Goal 5: Outreach

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

5.1 Communicate enforcement actions on an ongoing basis on the Board website as soon as feasible.

5.2 Maintain and expand as necessary the Board's social media presence.

This objective was modified to clarify that the Board has expanded its social media presence as originally stated and that it intends to continue to expand as needed while maintaining its existing presence.

5.3 Report annually to the Board the steps taken to educate university administrators and students about the importance of licensure.

This objective was modified because the Board expressed the desire for staff to report their actions and progress in educating university administrators and students about the importance of licensure on an ongoing basis. This objective was moved from Goal #1 because it pertains more to Outreach than to Licensing.

Goal 6: Customer Service

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

6.1 Provide Board-specific training for new and existing Board members in addition to DCA's Board Member Orientation Training.

This objective was modified to reflect that existing Board members also benefit from Board-specific training and that such training should be provided on an on-going basis.

6.2 Implement a payment system that can process all transaction types for any payments to the Board.

This objective was moved from Goal #1 because it pertains to Customer Service more than Licensing.

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Strategic Planning Facilitated by:

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This strategic plan is based on stakeholder information and discussions facilitated by SOLID for BPELSG in April and May 2014 and in April 2017.

HISTORY OF THE BOARD

1920

- The Board was created by the Legislature. Registration was for civil engineers only.

1930

- Structural Engineer license added by the Legislature.
- Land Surveyor licensing authority transferred to the Board by the Legislature.

1940

- The Legislature added restrictions on use of engineering titles (this began the creation of the "title acts") for the branches of professional engineering in the fields of chemical, electrical, mechanical, and petroleum engineering.

1960

- The Legislature added restrictions on use of engineering titles for the branch of metallurgical.
- The Legislature added restrictions on the practice of electrical and mechanical engineering (change in status from "title act" to "practice act") and on use of engineering titles for the branch of industrial engineering.
- The Legislature delegated authority to Board to create new title acts.

1970

- The Board held hearings and created 9 additional title act branches: agricultural, control systems, corrosion, fire protection, manufacturing, nuclear, quality, safety and traffic engineering.

1980

- The Geotechnical engineer license added by the legislature.
- The Board's authority to create new title act registrations was eliminated by the legislature.
- The Requirement for testing of all civil engineering applicants on engineering surveying principles and seismic principles added by the legislature.

1990

- The Board was part of the Sunset review.

2000

- The Legislature added written contract for professional services.
- The Board contracted for review of all title acts.
- Legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors.
- Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

Classes of Regulation

A. Title Authorities (Geotechnical and Structural Engineers):

1. Require previous registration as a civil engineer, and

2. Require additional experience beyond what is necessary to qualify for the civil engineer registration, and

3. Require the passing of an additional examination beyond that required to obtain registration as a civil engineer.

4. Use of titles is all that is restricted by the P.E. Act, but other laws limit certain activities to persons holding these authorities.

B. "Practice Act" professional engineers (Civil, Electrical, and Mechanical):

1. With certain exceptions, a person must be registered *in one* of these branches of professional engineering in order to practice in that field of engineering.

2. Exceptions (exemptions) from the requirement to be registered in order to practice in these identified branches are available under certain conditions to architects, civil engineers, contractors, federal employees, and employees of public utilities and industrial corporations.

3. In spite of the above exceptions, use of the title of each such branch of engineering is restricted to persons who are properly registered.

C. "Title Act" professional engineers (Agricultural, Chemical, Control System, Fire Protection, Industrial, Manufacturing, Metallurgical, Nuclear, Petroleum, and Traffic Engineers):

1. Except where it falls within an area covered by a practice act, the practice of engineering covered by each of these branches of engineering is not regulated and may be performed by anyone.

2. In spite of the fact that the practice of each of the above named branches of engineering is essentially unregulated, the use of the title of each such branch is restricted to persons who are properly registered.

3. Even though not regulated by state law, the practice in some of the above branches is limited by local authorities to persons appropriately registered.

DISCIPLINES OF LICENSURE WITH ABBREVIATIONS

License Types

AG	Agricultural Engineer
C	Civil Engineer
CEG	Certified Engineering Geologist
CH	Chemical Engineer
CHG	Certified Hydrogeologist
CO	Consulting Engineer
CR	Corrosion Engineer
CS	Control System Engineer
E	Electrical Engineer
EG	Certified Engineering Geologist
FP	Fire Protection Engineer
GE	Geotechnical Engineer (Soil or Soils Engineer)
GEO	Geologist
GIT	Geologist-in-Training
GP	Geophysicist
HG	Certified Hydrogeologist
I	Industrial Engineer
L	Land Surveyor
M	Mechanical Engineer
MF	Manufacturing Engineer
MT	Metallurgical Engineer
NU	Nuclear Engineer
P	Petroleum Engineer
PG	Professional Geologist
PGP	Professional Geophysicist
PS	Photogrammetrist (Photogrammetric Surveyor)
Q	Quality Engineer
S	Structural Engineer
SF	Safety Engineer
TR	Traffic Engineer

2. OPERATING PROCEDURES

- The Boards Operating Procedures
- Bagley-Keene Open Meeting Act

BOARD OPERATING PROCEDURES

Board for Professional Engineers,
Land Surveyors, and Geologists

Adopted April 21, 2017

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ARTICLE I: BOARD OPERATING PROCEDURES

1.0 PRIORITY OF LAWS AND OPERATING PROCEDURES

1.0.1 All state laws and their associated regulations (e.g., the Bagley-Keene Open Meeting Act (Government Code section 11120, et seq.), the Professional Engineers Act (Business and Professions Code section 6700, et seq.)) govern the actions and procedures of the Board and its Committees or Work Groups for all meetings and take precedence over the Board Operating Procedures in case of any conflict.

1.0.2 The Board Operating Procedures will govern the actions to be taken by the Board and its Committees or Work Groups, with the exception of the Technical Advisory Committees, which shall be governed by the Technical Advisory Committees Operating Procedures. If a situation is not covered by the Board Operating Procedures, Robert's Rules of Order will govern the actions to be taken by the Board and its Committees or Work Groups.

1.1 SUSPENSION OF AN OPERATING PROCEDURE

1.1.1 Any operating procedure of the Board may be suspended temporarily by a majority of the members present, provided that such temporary suspension shall apply only to the matter under immediate consideration and in no case shall it extend beyond adjournment.

1.2 AMENDMENT TO THE BOARD OPERATING PROCEDURES

1.2.1 The Board Operating Procedures may be amended at a scheduled meeting of the Board by a majority of the members present, provided that the proposed amendment(s) has been placed on the agenda.

ARTICLE II: BOARD PRESIDENT AND VICE PRESIDENT

2.0 SELECTION OF BOARD PRESIDENT, VICE PRESIDENT, AND TEMPORARY PRESIDENT

2.0.1 The nomination for and selection of the Board President and Vice President shall be accomplished by the last scheduled meeting of each fiscal year.

2.0.2 The method of selection for the Board President and Vice President shall be by nomination from the members of the Board. The Board President may appoint a Nominating Committee to recommend to the Board a proposed Board President and Vice President. Members of the Board may suggest names to the Nominating Committee. Nominations from the floor shall also be accepted.

2.0.3 The terms for the Board President and Vice President shall be for a period of one year commencing July 1.

2.0.4 During the absence of the Board President, the Vice President shall preside, and, in the event that both the Board President and Vice President are absent, the members present shall select a member as Temporary President.

2.0.5 In the event that the office of the Board President and/or Vice President becomes vacant, the members present shall elect from its members to complete the term(s) of office.

2.1 ROLE OF BOARD PRESIDENT

2.1.1 The Board President is considered to be an active participant in all Board matters. As such, the Board President may make or second motions and may vote on any motion.

2.1.2 The duties of the Board President are as follows:

a) Presiding over Board meetings as Chairperson and facilitating the process whereby the Board accomplishes its business.

b) Publicly representing the Board on policies made and actions taken by the Board and other factors affecting the Board.

c) Appointing members of the Ad Hoc Committees and work groups; Board Member liaisons to the Technical Advisory Committees; and representatives to NCEES and ASBOG meetings. [See 4.0.1, 4.1.1, 4.2.5, and 5.1.1 through 5.1.4.]

d) Approving public agenda notices for Board meetings.

e) The Board President shall schedule at least one annual performance appraisal of the Executive Officer at a Board meeting.

f) The Board President shall review and authorize the time sheets and travel claims of the Executive Officer.

2.2 ROLE OF BOARD VICE PRESIDENT

2.2.1 The Vice President of the Board assumes the duties of the Board President in the full or temporary absence or temporary incapacitation of the Board President.

ARTICLE III: MEETINGS OF THE BOARD

3.0 TIME AND PLACE OF BOARD MEETINGS

3.0.1 Board meetings shall occur at times and places determined by the Board. As required by Business and Professions Code section 101.7, the Board shall hold at least three regular meetings each calendar year; at least one meeting shall be in northern California and at least one shall be in southern California.

3.0.2 Any meeting or session may be recessed or adjourned for cause, in accordance with the provisions of the Bagley-Keene Open Meeting Act, to any time or from time-to-time, when determined necessary by a majority of the Board or Committee for the expeditious transaction of business.

3.1 QUORUM

3.1.1 Eight members of the Board shall constitute a quorum. Except as otherwise provided by law, the vote required for any action of the Board is a majority of the members present. No business shall proceed when the number of members present is reduced below a quorum with the exception of information items.

3.2 ROLL CALL

3.2.1 A roll call to establish a quorum of members present shall be made at each Board meeting.

3.3 APPROVAL OF MINUTES

3.3.1 The Executive Officer shall ensure that the Approval of the Minutes of each scheduled meeting are included in the agenda of the next scheduled meeting. The Minutes of the preceding meeting shall not be read at any Board meeting unless a member shall request it, but the Board President shall inquire whether there are corrections to the Minutes. Any member may make recommendations for corrections; however, no corrections shall be made unless approved by a majority vote of the members present.

3.4 BOARD MEETING NOTICE AND AGENDA

3.4.1 The Executive Officer shall prepare and issue a notice and agenda for each scheduled meeting.

3.4.2 Matters not contained on the agenda for a scheduled meeting shall not be considered or discussed by the Board at that meeting except to decide if placement on a future agenda is appropriate.

3.4.3 Matters on the agenda for scheduled meetings which have not been considered and acted upon, or specifically continued to a subsequent meeting, shall be deemed continued to the next scheduled meeting as an agenda item.

3.4.4 The agenda shall specifically designate items thereon that are scheduled for reconsideration.

3.4.5 The agenda shall be approved by the Board President. [See 2.1.2(d).]

3.4.6 Any member of the Board or the Executive Officer shall be authorized to place items on the Board agenda. The Executive Officer shall have the authority to consider requests from a member of the public to place items on the Board agenda.

3.4.7 The agenda may include, but is not limited to, the following items:

Roll Call
Public Comment
Closed Session
Open Session to Announce the Results of Closed Session
Action Items
Administrative/Budget Report
Enforcement Report
Examinations Report
Legislative Report
Licensing Report
Executive Officer's Report
Committee Reports
President's Report/Board Member Activities
Approval of Consent Agenda
Approval of the Minutes of a Previous Meeting
Other Items Not Requiring Board Action
Adjournment

3.5 PROCEDURES GOVERNING MOTIONS

3.5.1 To make a motion, resolution, or any other call to action by the Board, a member must be recognized by the Board President. The member shall then state the motion, resolution, or call to action. Any other member may second the motion, resolution, or call to action. If there is no second, the motion, resolution, or call for action dies and shall be declared so by the Board President. If a second is declared, the matter is open for discussion or a call for a vote.

3.5.2 A motion, resolution, or any other call to action by the Board open for discussion may be amended any time prior to adoption or rejection by an amendatory motion made by any member. An amendatory motion may be in the form of a substitute motion so that it replaces the original motion and can be adopted with a majority vote or may be phrased as to amend the original motion. If the substitute motion fails to carry, the original motion shall be voted upon. If an amendment to the original motion is separately voted upon and is not adopted, the original motion shall then be voted upon. If the amendment is adopted, the original motion as amended shall then be voted upon.

3.5.3 A motion may be withdrawn by the maker at any time before adoption or rejection with the consent of the second. The second to a motion may be withdrawn by the seconding member at any time before adoption or rejection of the motion, and the motion shall then be deemed dead for lack of a second unless seconded by another member.

3.5.4 After a motion has been seconded, any member may discuss or comment on the motion. When no member wishes to add further comment, the Board President shall call for a vote. In the event of a prolonged discussion, a motion to end debate shall take precedence over further debate.

3.5.5 A motion to reconsider the vote may be made by any member who voted with the prevailing side. No question can be reconsidered twice unless it was amended after its first consideration. Such a motion may be made at the meeting at which it was acted upon or at the continued session of the same meeting.

3.6 VOTING

3.6.1 The Board President may vote on any call for a vote.

3.6.2 Members must be present to vote and shall cast only one vote at each call for a vote.

3.6.3 Pursuant to the Bagley-Keene Open Meeting Act, all votes shall be done as roll call votes. The results shall appear in the minutes, with the total votes on each side of the issue or abstaining and a listing of how each member voted.

3.7 PUBLIC COMMUNICATION DURING BOARD MEETINGS

3.7.1 The PUBLIC COMMENT items on Board meeting agendas are provided to allow members of the public to speak on any item(s) related to Board business.

3.7.2 During deliberation of an agenda item, public comment may be solicited and shall always be entertained.

3.7.3 The Board President may establish a reasonable time limit for public comment, consistent with the conduct of business.

3.7.4 The Board President may limit the time available for public comment on an item before the Board. Insofar as possible, the agenda will identify when public comment will be limited.

3.8 DISRUPTION OF BOARD MEETINGS

3.8.1 In the event that a meeting of the Board is deliberately interrupted so as to prevent the Board from conducting business in a timely or orderly manner, the Board

President may, unless there is an objection by a majority of members present, order the offending person or persons to remove themselves or be removed from the meeting.

ARTICLE IV: COMMITTEES AND WORK GROUPS OF THE BOARD

4.0 AD HOC COMMITTEES

4.0.1 The Board President may appoint Ad Hoc Committees as he or she determines necessary for the orderly and timely conduct of the Board's business.

4.0.2 Ad Hoc Committees may be comprised of Board members, Board staff, consumers, professionals, or any combination thereof.

4.0.3 The President of the Board shall report the appointment of any Ad Hoc Committee and specify its purpose and objectives at a regularly scheduled Board meeting.

4.0.4 Ad Hoc Committees appointed by the President shall be deemed temporary in nature and shall cease to exist when the function or mission for which they were created is achieved or abandoned.

4.0.5 The Board shall review all Ad Hoc Committees annually to determine their effectiveness and rationale for continuance. Following these reviews, the Board shall determine whether to continue or discontinue these committees.

4.0.6 Ad Hoc Committees shall operate in accordance with the Bagley-Keene Open Meeting Act and these Operating Procedures as appropriate.

4.1 WORK GROUPS

4.1.1 A work group is an informal body assembled at the discretion of the Board President to perform designated tasks. Work groups may be comprised of Board members, Board staff, consumers, professionals, or any combination thereof.

4.2 TECHNICAL ADVISORY COMMITTEES

4.2.1 The Board may establish Technical Advisory Committees (TAC) to advise and assist the Board in accordance with the provisions of Sections 6726 through 6726.4 (engineering), Sections 7826 through 7826.4 (geology and geophysics), and Sections 8715 through 8715.4 (land surveying) of the Business and Professions Code.

4.2.2 The Board may have Technical Advisory Committees in any discipline as needed.

4.2.3 The Technical Advisory Committees shall advise and assist the Board with respect to the following:

a) Application review and verification for any level of registration, licensure, authority, or title.

b) Evaluation and investigation of potential violations of the Acts.

c) Amendment, repeal, adoption, or revision of Board rules, regulations and procedures.

4.2.4 The Board shall establish Technical Advisory Committees only as it determines them necessary for the orderly and timely conduct of the Board's business.

4.2.5 The Board President shall designate two Board members to serve as Board liaisons to the TAC, one of whom shall be the corresponding professional member and one who is a public member. The professional member will be the senior representative and will make reports to the Board and recommendations on matters calling for Board action. The public member will report to the Board in the professional member's absence. All transactions between the TAC and the Board, and the Board and the TAC shall be through a Board liaison member.

4.2.6 The TACs shall operate in accordance with the Board Operating Procedures and the most current "Technical Advisory Committees Operating Procedures" as adopted by the Board.

ARTICLE V: OTHER ACTIVITIES OF THE BOARD

5.0 MEMBER ATTENDANCE AT BOARD AND COMMITTEE MEETINGS

5.0.1 Each Board member will agree to commit to make their best effort to attend three-quarters of the scheduled Board meetings and meetings of any Committees to which they are appointed. In the event that a member cannot attend a scheduled meeting, he or she will advise either the Board President, or the Committee chairperson, or the Executive Officer with as much advance notice as possible.

5.0.2 If a Board member cannot meet the Board's policy for attendance at meetings within a fiscal year, the member shall advise the appropriate appointing authority.

5.1 NCEES AND ASBOG REPRESENTATION

5.1.1 The Board President shall appoint representatives from the Board membership and/or Board staff to attend the NCEES Annual and Western Zone meetings and the ASBOG Annual meetings.

5.1.2 In appointing representatives, priority shall be given to the Board President, the Vice President, and the Executive Officer.

5.1.3 As many members should be appointed by the Board President to represent the Board at NCEES and ASBOG meetings as are authorized by the Governor to attend.

5.1.4 The Board President may also appoint Associate Members and Emeritus Members to represent the Board at NCEES meetings.

5.1.5 All Board members may apply for membership on any of the committees, task forces, or other work groups as designated by NCEES or ASBOG.

5.1.6 Each Board member shall notify the Board President and the Executive Officer of application and acceptance of membership on NCEES or ASBOG committees, task forces, or other work groups.

5.1.7 The Board may recommend former Board members for appointment as NCEES Emeritus Members by formal motion and vote at any regularly-scheduled Board meeting.

5.1.8 The Board may recommend any staff member for appointment as NCEES Associate Members by formal motion and vote at any regularly-scheduled Board meeting.

5.2 RECOGNITION OF DEPARTING BOARD AND COMMITTEE/WORK GROUP MEMBERS

5.2.1 A Board proclamation shall be presented to all Board members who served two full terms, as full terms are defined by statute.

5.2.2 The proclamation shall be presented at the last Board meeting of the Board member's second full term, prior to the Board member entering his or her grace period.

5.2.3 Letters of appreciation signed by the Board President, the Board Vice President, and the Executive Officer may be sent to any Board member who did not serve two full terms upon his or her departure from the Board.

5.2.4 Letters of appreciation signed by the Board member liaisons and the Executive Officer may be sent to Technical Advisory Committee members, Ad Hoc Committee members, and Work Group members upon the member's departure from the Committee or Work Group.

ARTICLE VI: PUBLIC COMMUNICATION WITH BOARD MEMBERS

6.0 CONTACT BY MEMBERS OF THE PUBLIC

6.0.1 If a Board Member is contacted by a member of the public (including licensees), the Board Member shall immediately advise the Executive Officer in order to determine the effect, if any, such contact may have on future actions of the Board as a whole or the Board Member individually.

3.3 APPOINTMENT, NATURE AND TERM OF COMMITTEES

3.3.1 The President shall appoint the Chairs and members of the Standing and Special Committees from among the membership of the Board.

3.3.2 For the purpose of this rule, Special Committees appointed by the President as prescribed herein shall be deemed temporary in nature and shall cease to exist when the function or mission for which they were created is achieved or abandoned.

3.3.3 The President of the Board shall report the appointment of any Special committee and specify its purpose and objectives at a regularly scheduled Board meeting.

3.3.4 The Board shall review all Special Committees annually to determine their effectiveness and rationale for continuance. Following these reviews, the Board shall determine whether to continue or discontinue these committees.

3.4 DUTIES OF COMMITTEE CHAIRPERSONS

3.4.1

a) Calling and cancellation of meetings;

b) Setting the committee agenda;

c) Presiding over committee meetings;

d) Presenting the recommendations of the committee to the Board in an appropriate and timely manner;

e) Facilitating adherence to the purposes and objectives of the committee in its deliberations and actions;

f) Ensuring that the minutes of all committee meetings are recorded and are accessible.

3.5 COMMITTEE NOTICES AND AGENDA

3.5.1 The schedule of the committee meetings, and changes thereto, shall be approved by the Chairperson.

3.5.2 Each notice of a committee meeting and its agenda shall be approved by the Chairperson and distributed according to these rules and applicable law.

3.5.3 Items may be placed on committee agendas by the Board President, Board members, Committee members, or the Board's Executive Officer. The Executive Officer shall have the authority to consider requests from a member of the public to place items on the Committee agenda.

3.6 NCEES REPRESENTATION

3.6.1 The Board President shall appoint representatives from the Board membership to attend the Annual and Western Zone meetings. The Board's NCEES liaison shall be a registered member.

3.6.2 The Board President, the Vice President, the NCEES liaison, and the Executive Officer will attend the NCEES annual and western zone meetings.

3.6.3 Alternates will be appointed by the Board President.

3.6.4 First alternates to attend NCEES meetings will be the immediate Past President and/or Standing Committee Chairperson(s). The second alternates will be the remaining Board members.

3.6.5 As many members should be appointed by the Board President to represent the Board at NCEES meetings as are authorized by the Governor to attend. Appointments will be made in accordance with Section 3.6.4.

3.6.6 All Board members may apply for membership on any of the NCEES standing committees.

3.6.7 Each Board member shall notify the Board President of application and acceptance of membership on NCEES committee(s).

ARTICLE IV: POLICIES FOR EXECUTIVE OFFICER

4.0 TRAVEL, TIME SHEETS AND COMPENSATION

4.0.1 The Board President shall review and authorize the travel claims of the Executive Officer.

4.0.2 The Board President shall review and authorize the time sheets of the Executive Officer.

4.0.3 The Executive Officer may accrue compensated time off only by Board Authority or the discretion of the President.

BAGLEY-KEENE OPEN MEETING ACT – 2017
(CALIFORNIA GOVERNMENT CODE)

11120. Public policy; legislative finding and declaration; citation of article

It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1980, c. 1284, p. 4333, § 4; Stats. 1981, c. 968, p. 3683, § 4.)

11121. State body defined

As used in this article, "state body" means each of the following:

(a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

(b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

(c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

(e) Not withstanding subdivision (a) of Section 11121.1, the State Bar of California, as described in Section 6001 of the Business and Professions Code. This subdivision shall become operative on April 1, 2016.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1980, c. 515, § 1; Stats.1981, c. 968, p. 3683, § 5; Stats.1984, c. 193, § 38. Amended by Stats.1996, c. 1023 (S.B.1497), § 88, eff. Sept. 29, 1996; Stats.1996, c. 1064 (A.B.3351), § 783.1,

operative July 1, 1997; Stats.2001, c. 243 (A.B.192), § 1; Amended Stats. 2003 ch 62 § 117 (SB 600), Stats. 2015, c. 537 (S.B. 387), § 22, eff. January 1, 2016.)

11121.1. State body; exclusions

As used in this article, "state body" does not include any of the following:

(a) Except as provided in subdivision (e) of Section 11121, state agencies provided for in Article VI of the California Constitution.

(b) Districts or other local agencies whose meetings are required to be open to the public pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(c) State agencies provided for in Article IV of the California Constitution whose meetings are required to be open to the public pursuant to the Grunsky-Burton Open Meeting Act (Article 2.2 (commencing with Section 9027) of Chapter 1.5 of Part 1 of Division 2 of Title 2).

(d) State agencies when they are conducting proceedings pursuant to Section 3596.

(e) State agencies provided for in Section 109260 of the Health and Safety Code, except as provided in Section 109390 of the Health and Safety Code.

(f) The Credit Union Advisory Committee established pursuant to Section 14380 of the Financial Code.

(Added by Stats.2001, c. 243 (A.B.192), § 2. Amended by Stats. 2008, c. 344 (S.B. 1145), § 2, eff. Sept. 26, 2008; Stats. 2015, c. 537 (S.B. 387), § 23, eff. January 1, 2016.)

11121.2. Repealed by Stats. 2001, c. 243 (A.B.192), § 3

The repealed section, added by Stats.1981, c. 968, p. 3684, § 5.2, provided the additional definition of "state body" as a multimember body with authority of state body.

§ 11121.5. Repealed by Stats.1984, c. 1158, § 3

The repealed section, added by Stats.1994, c. 1179, § 1, amended by Stats.1981, c. 968, § 5.3; Stats.1983, c. 143, § 186, Stats.1983, c. 101, § 60, related to the treatment of state college and university student body organizations as state agencies. Similar provisions were added at Education Code § 89920 et. seq.

11121.7. Repealed by Stats. 2001, c. 243 (A.B.192), § 4

The repealed section, added by Stats.1980, c. 1284, p. 4333, § 5, amended by Stats.1981, c. 968, p. 3685, § 6, related to representatives of the state body.

11121.8. Repealed by Stats. 2001, c. 243 (A.B.192), § 5

The repealed section, added by

Stats.1981, c. 968, p. 3684, § 7, related to advisory bodies.

11121.9. Provision of copy of article to members of state body

Each state body shall provide a copy of this article to each member of the state body upon his or her appointment to membership or assumption of office.

(Added by Stats.1980, c. 1284, p. 4334, § 6. Amended by Stats.1981, c. 714, p. 2659, § 175; Stats.1981, c. 968, p. 3685, § 7.1.)

11121.95. Appointees or elected officials not yet in office; conformity of conduct to article requirements

Any person appointed or elected to serve as a member of a state body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this article and shall be treated for purposes of this article as if he or she has already assumed office.

(Added by Stats.1997, c. 949 (S.B.95), § 1.)

11122. Action taken

As used in this article "action taken" means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1981, c. 968, p. 3685, § 7.3.)

11122.5. Meeting defined; series of communications to discuss, deliberate, or take action prohibited; exceptions

(a) As used in this article, "meeting" includes any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.

(b)(1) A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) The prohibitions of this article do not apply to any of the following:

(1) Individual contacts or conversations between a member of a state body and any other person that do not violate subdivision (b).

(2)(A) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body.

(B) Subparagraph (A) does not allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by Section 54951, if a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body.

(5) The attendance of a majority of the members of a state body at a purely social or ceremonial occasion, if a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body.

(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, if the members of the state body who are not members of the standing committee attend only as observers.

(Added by Stats.2001, c. 243 (A.B.192), § 6. Amended by Stats.2009, c. 150 (A.B.1494), § 1.)

11123. Meetings; attendance; teleconference option

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b)(1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall

otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, "teleconference" means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(c) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1981, c. 968, p. 3685, § 7.5; Stats.1994, c. 1153 (A.B.3467), § 1; Stats.1997, c. 52 (A.B.1097), § 1; Stats.2001, c. 243 (A.B.192), § 7; Stats.2014, c. 510 (A.B.2720), § 1, eff. Jan. 1, 2015.)

11123.1. State body meetings to meet protections and prohibitions of the Americans with Disabilities Act

All meetings of a state body that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(Added by Stats. 2002, c. 300 (A.B. 3035), § 1.)

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11124. Conditions to attendance

No person shall be required, as a condition to attendance at a meeting of a state body, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1981, c. 968, p. 3685, § 8.)

11124.1. Audio or video recording of proceedings; inspection of state's recording; broadcast restrictions

(a) Any person attending an open and public meeting of the state body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the state body that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

(c) No state body shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

(Added by Stats.1980, c. 1284, p. 4334, § 7. Amended by Stats.1981, c. 968, p. 3685, § 9; Stats.1997, c. 949 (S.B.95), § 2; Stats.2009, c. 88 (A.B.176), § 42.)

11125. Notice of meeting

(a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the

Internet site where notices required by this article are made available.

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.

(d) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

(e) A request for notice of more than one meeting of a state body shall be subject to the provisions of Section 14911.

(f) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request, by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1973, c. 1126, p. 2291, § 1; Stats.1975, c. 708, p. 1695, § 1; Stats.1979, c. 284, § 1, eff. July 24, 1979; Stats.1981, c. 968, p. 3685, § 10. Amended by Stats.1997, c. 949 (S.B.95), § 3; Stats.1999, c. 393 (A.B.1234), § 1; Stats.2001, c. 243 (A.B.192), § 8; Stats. 2002, c. 300 (A.B. 3035), § 2.)

11125.1. Agendas and other writings distributed for discussion or consideration at public meetings; public records; Franchise Tax Board; inspection; availability on the Internet; closed sessions

(a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and other writings, when distributed to all, or a majority of all, of the members of a state body by any person in connection with a matter subject to

discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, or 6254.7 of this code, or Section 489.1 or 583 of the Public Utilities Code.

(b) Writings that are public records under subdivision (a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by a person with a disability.

(c) In the case of the Franchise Tax Board, prior to that state body taking final action on any item, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed by the Franchise Tax Board staff or individual members <u>to members of the state body</u> prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request notice in writing pursuant to subdivision (a) of Section 11125.

(3) Made available on the Internet.

(d) Prior to the State Board of Equalization taking final action on any item that does not involve a named tax or fee payer, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed by board staff or individual members to members of the state body prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request or have requested copies of these writings.

(3) Made available on the Internet.

(e) Nothing in this section shall be construed to prevent a state body from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The writings described in subdivision (b) are subject to the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall not be construed to limit or delay the public's right

to inspect any record required to be disclosed by that act, or to limit the public's right to inspect any record covered by that act. This section shall not be construed to be applicable to any writings solely because they are properly discussed in a closed session of a state body. Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication.

(f) "Writing" for purposes of this section means " writing" as defined under Section 6252.

(Added by Stats.1975, c. 959, p. 2238, § 4. Amended by Stats.1980, c. 1284, p. 4334, § 8; Stats.1981, c. 968, p. 3686, § 10.1. Amended by Stats.1997, c. 949 (S.B.95), § 4; Stats.2001, c. 670 (S.B.445), § 1; Stats. 2002, c. 300 (A.B. 3035), § 3.5.); Stats. 2005, c. 188 (A.B. 780), § 1.)

11125.2. Appointment, employment or dismissal of public employees; closed sessions; public report

Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body.

(Added by Stats.1980, c. 1284, p. 4335, § 9. Amended by Stats.1981, c. 968, p. 3687, § 10.3.)

11125.3. Action on items of business not appearing on agenda; notice

(a) Notwithstanding Section 11125, a state body may take action on items of business not appearing on the posted agenda under any of the conditions stated below:

(1) Upon a determination by a majority vote of the state body that an emergency situation exists, as defined in Section 11125.5.

(2) Upon a determination by a two-thirds vote of the state body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there exists a need to take immediate action and that the need for action came to the attention of the state body subsequent to the agenda being posted as specified in Section 11125.

(b) Notice of the additional item to be considered shall be provided to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after a determination of the need to consider the item is made, but shall be delivered in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet as soon as is practicable after the decision to consider additional items at a meeting has been made.

(Added by Stats.1994, c. 1153 (A.B.3467), § 2. Amended by Stats.2001, c. 243 (A.B.192), § 9.)

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11125.4. Special meetings; authorized purposes; notice; required finding of hardship or need to protect public interest

(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes when compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

(1) To consider "pending litigation" as that term is defined in subdivision (e) of Section 11126.

(2) To consider proposed legislation.

(3) To consider issuance of a legal opinion.

(4) To consider disciplinary action involving a state officer or employee.

(5) To consider the purchase, sale, exchange, or lease of real property.

(6) To consider license examinations and applications.

(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.

(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.

(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

(b) When a special meeting is called pursuant to one of the purposes specified in subdivision (a), the state body shall provide notice of the special meeting to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after the decision to call a special meeting has been made, but shall deliver the notice in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet within the time periods required by this section. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice shall additionally specify the address of the Internet Web site where notices required by this article are made available. No other business shall be considered at a special meeting by the state body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the state body a written waiver of notice. The waiver may be given by telegram, facsimile transmission, or similar means. The written notice may also be

dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting.

(c) At the commencement of any special meeting, the state body must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 would cause a substantial hardship on the body or that immediate action is required to protect the public interest. The finding shall set forth the specific facts that constitute the hardship to the body or the impending harm to the public interest. The finding shall be adopted by a two-thirds vote of the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present. The finding shall be made available on the Internet. Failure to adopt the finding terminates the meeting.

(Added by Stats.1997, c. 949 (S.B.95), § 5. Amended by Stats.1999, c. 393 (A.B.1234), § 2; Stats.2004, c. 576 (A.B.1827), § 1.); Stats. 2007, c. 92 (S.B. 519), § 1.)

11125.5. Emergency meetings

(a) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a state body may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4.

(b) For purposes of this section, "emergency situation" means any of the following, as determined by a majority of the members of the state body during a meeting prior to the emergency meeting, or at the beginning of the emergency meeting:

(1) Work stoppage or other activity that severely impairs public health or safety, or both.

(2) Crippling disaster that severely impairs public health or safety, or both.

(c) However, newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section 11125 shall be notified by the presiding officer of the state body, or a designee thereof, one hour prior to the emergency meeting by telephone. Notice shall also be made available on the Internet as soon as is practicable after the decision to call the emergency meeting has been made. If telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the presiding officer of the state body, or a designee thereof, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(d) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the state body, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting

shall be posted for a minimum of 10 days in a public place, and also made available on the Internet for a minimum of 10 days, as soon after the meeting as possible.

(Amended by Stats.1992, c. 1312 (A.B.2912), § 11, eff. Sept. 30, 1992; Stats.1997, c. 949 (S.B.95), § 6; Stats.1999, c. 393 (A.B.1234), § 3.)

11125.6. Fish and Game Commission; emergency meetings; appeals of fishery closures or restrictions

(a) An emergency meeting may be called at any time by the president of the Fish and Game Commission or by a majority of the members of the commission to consider an appeal of a closure of or restriction in a fishery adopted pursuant to Section 7710 of the Fish and Game Code. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of an established fishery, the commission may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4 if the delay necessitated by providing the 10-day notice of a public meeting required by Section 11125 or the 48-hour notice required by Section 11125.4 would significantly adversely impact the economic benefits of a fishery to the participants in the fishery and to the people of the state or significantly adversely impact the sustainability of a fishery managed by the state.

(b) At the commencement of an emergency meeting called pursuant to this section, the commission shall make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 or 48 hours prior to a meeting as required by Section 11125.4 would significantly adversely impact the economic benefits of a fishery to the participants in the fishery and to the people of the state or significantly adversely impact the sustainability of a fishery managed by the state. The finding shall set forth the specific facts that constitute the impact to the economic benefits of the fishery or the sustainability of the fishery. The finding shall be adopted by a vote of at least four members of the commission, or, if less than four of the members are present, a unanimous vote of those members present. Failure to adopt the finding shall terminate the meeting.

(c) Newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section 11125 shall be notified by the presiding officer of the commission, or a designee thereof, one hour prior to the emergency meeting by telephone.

(d) The minutes of an emergency meeting called pursuant to this section, a list of persons who the president of the commission, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

(Added by Stats.1998, c. 1052 (A.B.1241), S 21.)

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11125.7. Agenda item discussion before state body; opportunity for public address; regulation by state body; freedom of expression; application of provisions

(a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public if no action is taken by the state body at the same meeting on matters brought before the body by members of the public.

(b) The state body may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public comment on particular issues and for each individual speaker.

(c)(1) Notwithstanding subdivision (b), when a state body limits time for public comment the state body shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the state body.

(2) Paragraph (1) shall not apply if the state body utilizes simultaneous translation equipment in a manner that allows the state body to hear the translated public testimony simultaneously.

(d) The state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(e) This section is not applicable to closed sessions held pursuant to Section 11126.

(f) This section is not applicable to decisions regarding proceedings held pursuant to Chapter 5 (commencing with Section 11500), relating to administrative adjudication, or to the conduct of those proceedings.

(g) This section is not applicable to hearings conducted by the California Victim Compensation and Government Claims

Board pursuant to Sections 13963 and 13963.1.

(h) This section is not applicable to agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission's consideration of the item.

(Added by Stats.1993, c. 1289 (S.B.367), § 2. Amended by Stats.1995, c. 938 (S.B.523), § 13, operative July 1, 1997; Stats.1997, c. 949 (S.B.95), § 7; Stats.2006, c. 538 (S.B.1852), § 248; Stats.2012, c. 551 (S.B.965), § 1.; Stats. 2016, c. 31 (S.B. 836), § 71, eff. June 27, 2016.)

11125.8. Hearings to consider crimes against minors or crimes of sexual assault or domestic violence; identification of applicant; disclosure of nature of hearing

(a) Notwithstanding Section 11131.5, in any hearing that the State California Victim Compensation and Government Claims Board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, no notice, agenda, announcement, or report required under this article need identify the applicant.

(b) In any hearing that the board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, the board shall disclose that the hearing is being held pursuant to Section 13963.1. That disclosure shall be deemed to satisfy the requirements of subdivision (a) of Section 11126.3.

(Added by Stats.1997, c. 949 (S.B.95), § 9.; Amended by Stats. 2006, c. 538 (S.B. 1852, § 249; Stats. 2016, c. 31 (S.B. 836), § 72, eff. June 27, 2016.)

11125.9. Regional water quality control boards; compliance with notification guidelines

Regional water quality control boards shall comply with the notification guidelines in Section 11125 and, in addition, shall do both of the following:

(a) Notify, in writing, all clerks of the city councils and county boards of supervisors within the regional board's jurisdiction of any and all board hearings at least 10 days prior to the hearing. Notification shall include an agenda for the meeting with contents as described in subdivision (b) of Section 11125 as well as the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. Each clerk, upon receipt of the notification of a board hearing, shall distribute the notice to all members of the respective city council or board of

supervisors within the regional board's jurisdiction.

(b) Notify, in writing, all newspapers with a circulation rate of at least 10,000 within the regional board's jurisdiction of any and all board hearings, at least 10 days prior to the hearing. Notification shall include an agenda for the meeting with contents as described in subdivision (b) of Section 11125 as well as the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting.

(Added by Stats.1997, c. 301 (A.B.116), § 1.)

§ 11126. Closed sessions.

(a)(1) Nothing in this article shall be construed to prevent a state body from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing.

(2) As a condition to holding a closed session on the complaints or charges to consider disciplinary action or to consider dismissal, the employee shall be given written notice of his or her right to have a public hearing, rather than a closed session, and that notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any employee at the closed session shall be null and void.

(3) The state body also may exclude from any public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated by the state body.

(4) Following the public hearing or closed session, the body may deliberate on the decision to be reached in a closed session.

(b) For the purposes of this section, "employee" does not include any person who is elected to, or appointed to a public office by, any state body. However, officers of the California State University who receive compensation for their services, other than per diem and ordinary and necessary expenses, shall, when engaged in that capacity, be considered employees. Furthermore, for purposes of this section, the term employee includes a person exempt from civil service pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution.

(c) Nothing in this article shall be construed to do any of the following:

(1) Prevent state bodies that administer the licensing of persons engaging in businesses or professions from holding closed sessions to prepare, approve, grade, or administer examinations.

(2) Prevent an advisory body of a state body that administers the licensing of

persons engaged in businesses or professions from conducting a closed session to discuss matters that the advisory body has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, provided the advisory body does not include a quorum of the members of the state body it advises. Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body.

(3) Prohibit a state body from holding a closed session to deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law.

(4) Grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

(5) Prevent any closed session to consider the conferring of honorary degrees, or gifts, donations, and bequests that the donor or proposed donor has requested in writing to be kept confidential.

(6) Prevent the Alcoholic Beverage Control Appeals Board from holding a closed session for the purpose of holding a deliberative conference as provided in Section 11125.

(7)(A) Prevent a state body from holding closed sessions with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

(B) However, prior to the closed session, the state body shall hold an open and public session in which it identifies the real property or real properties that the negotiations may concern and the person or persons with whom its negotiator may negotiate.

(C) For purposes of this paragraph, the negotiator may be a member of the state body.

(D) For purposes of this paragraph, "lease" includes renewal or renegotiation of a lease.

(E) Nothing in this paragraph shall preclude a state body from holding a closed session for discussions regarding eminent domain proceedings pursuant to subdivision (e).

(8) Prevent the California

Postsecondary Education Commission from holding closed sessions to consider matters pertaining to the appointment or termination of the Director of the California Postsecondary Education Commission.

(9) Prevent the Council for Private Postsecondary and Vocational Education from holding closed sessions to consider matters pertaining to the appointment or termination of the Executive Director of the Council for Private Postsecondary and Vocational Education.

(10) Prevent the Franchise Tax Board from holding closed sessions for the purpose of discussion of confidential tax returns or information the public disclosure of which is prohibited by law, or from considering matters pertaining to the appointment or removal of the Executive Officer of the Franchise Tax Board.

(11) Require the Franchise Tax Board to notice or disclose any confidential tax information considered in closed sessions, or documents executed in connection therewith, the public disclosure of which is prohibited pursuant to Article 2 (commencing with Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the Revenue and Taxation Code.

(12) Prevent the Corrections Standards Authority from holding closed sessions when considering reports of crime conditions under Section 6027 of the Penal Code.

(13) Prevent the State Air Resources Board from holding closed sessions when considering the proprietary specifications and performance data of manufacturers.

(14) Prevent the State Board of Education or the Superintendent of Public Instruction, or any committee advising the board or the Superintendent, from holding closed sessions on those portions of its review of assessment instruments pursuant to Chapter 5 (commencing with Section 60600) of, or pursuant to Chapter 9 (commencing with Section 60850) of, Part 33 of Division 4 of Title 2 of the Education Code during which actual test content is reviewed and discussed. The purpose of this provision is to maintain the confidentiality of the assessments under review.

(15) Prevent the Department of Resources Recycling and Recovery or its auxiliary committees from holding closed sessions for the purpose of discussing confidential tax returns, discussing trade secrets or confidential or proprietary information in its possession, or discussing other data, the public disclosure of which is prohibited by law.

(16) Prevent a state body that invests retirement, pension, or endowment funds from holding closed sessions when considering investment decisions. For purposes of consideration of shareholder voting on corporate stocks held by the state body, closed sessions for the purposes of voting may be held only with respect to election of corporate directors, election of independent auditors, and other financial issues that could have a material effect on the net income of the corporation. For the purpose of real property investment decisions that may be considered in a closed

session pursuant to this paragraph, a state body shall also be exempt from the provisions of paragraph (7) relating to the identification of real properties prior to the closed session.

(17) Prevent a state body, or boards, commissions, administrative officers, or other representatives that may properly be designated by law or by a state body, from holding closed sessions with its representatives in discharging its responsibilities under Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 as the sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits. For the purposes enumerated in the preceding sentence, a state body may also meet with a state conciliator who has intervened in the proceedings.

(18)(A) Prevent a state body from holding closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, where disclosure of these considerations could compromise or impede the safety or security of the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body.

(B) Notwithstanding any other provision of law, a state body, at any regular or special meeting, may meet in a closed session pursuant to subparagraph (A) upon a two-thirds vote of the members present at the meeting.

(C) After meeting in closed session pursuant to subparagraph (A), the state body shall reconvene in open session prior to adjournment and report that a closed session was held pursuant to subparagraph (A), the general nature of the matters considered, and whether any action was taken in closed session.

(D) After meeting in closed session pursuant to subparagraph (A), the state body shall submit to the Legislative Analyst written notification stating that it held this closed session, the general reason or reasons for the closed session, the general nature of the matters considered, and whether any action was taken in closed session. The Legislative Analyst shall retain for no less than four years any written notification received from a state body pursuant to this subparagraph.

(19) Prevent the California Sex Offender Management Board from holding a closed session for the purpose of discussing matters pertaining to the application of a sex offender treatment provider for certification pursuant to Sections 290.09 and 9003 of the Penal Code. Those matters may include review of an applicant's qualifications for certification.

(d)(1) Notwithstanding any other provision of law, any meeting of the Public Utilities Commission at which the rates of entities under the commission's jurisdiction are changed shall be open and public.

(2) Nothing in this article shall be construed to prevent the Public Utilities Commission from holding closed sessions to deliberate on the institution of proceedings, or disciplinary actions against any person or entity under the jurisdiction of the commission.

(e)(1) Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

(2) For purposes of this article, all expressions of the lawyer-client privilege other than those provided in this subdivision are hereby abrogated. This subdivision is the exclusive expression of the lawyer-client privilege for purposes of conducting closed session meetings pursuant to this article. For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist:

(A) An adjudicatory proceeding before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the state body is a party, has been initiated formally.

(B)(i) A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.

(ii) Based on existing facts and circumstances, the state body is meeting only to decide whether a closed session is authorized pursuant to clause (i).

(C)(i) Based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.

(ii) The legal counsel of the state body shall prepare and submit to it a memorandum stating the specific reasons and legal authority for the closed session. If the closed session is pursuant to paragraph (1), the memorandum shall include the title of the litigation. If the closed session is pursuant to subparagraph (A) or (B), the memorandum shall include the existing facts and circumstances on which it is based. The legal counsel shall submit the memorandum to the state body prior to the closed session, if feasible, and in any case no later than one week after the closed session. The memorandum shall be exempt from disclosure pursuant to Section 6254.25.

(iii) For purposes of this subdivision, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(iv) Disclosure of a memorandum required under this subdivision shall not be deemed as a waiver of the lawyer-client privilege, as provided for under Article 3

(commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(f) In addition to subdivisions (a), (b), and (c), nothing in this article shall be construed to do any of the following:

(1) Prevent a state body operating under a joint powers agreement for insurance pooling from holding a closed session to discuss a claim for the payment of tort liability or public liability losses incurred by the state body or any member agency under the joint powers agreement.

(2) Prevent the examining committee established by the State Board of Forestry and Fire Protection, pursuant to Section 763 of the Public Resources Code, from conducting a closed session to consider disciplinary action against an individual professional forester prior to the filing of an accusation against the forester pursuant to Section 11503.

(3) Prevent the enforcement advisory committee established by the California Board of Accountancy pursuant to Section 5020 of the Business and Professions Code from conducting a closed session to consider disciplinary action against an individual accountant prior to the filing of an accusation against the accountant pursuant to Section 11503. Nothing in this article shall be construed to prevent the qualifications examining committee established by the California Board of Accountancy pursuant to Section 5023 of the Business and Professions Code from conducting a closed hearing to interview an individual applicant or accountant regarding the applicant's qualifications.

(4) Prevent a state body, as defined in subdivision (b) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in closed session by the state body whose authority it exercises.

(5) Prevent a state body, as defined in subdivision (d) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the body defined as a state body pursuant to subdivision (a) or (b) of Section 11121.

(6) Prevent a state body, as defined in subdivision (c) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the state body it advises.

(7) Prevent the State Board of Equalization from holding closed sessions for either of the following:

(A) When considering matters pertaining to the appointment or removal of the Executive Secretary of the State Board of Equalization.

(B) For the purpose of hearing confidential taxpayer appeals or data, the public disclosure of which is prohibited by law.

(8) Require the State Board of Equalization to disclose any action taken in closed session or documents executed in connection with that action, the public

disclosure of which is prohibited by law pursuant to Sections 15619 and 15641 of this code and Sections 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651, 45982, 46751, 50159, 55381, and 60609 of the Revenue and Taxation Code.

(9) Prevent the California Earthquake Prediction Evaluation Council, or other body appointed to advise the Director of Emergency Services or the Governor concerning matters relating to volcanic or earthquake predictions, from holding closed sessions when considering the evaluation of possible predictions.

(g) This article does not prevent either of the following:

(1) The Teachers' Retirement Board or the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters pertaining to the recruitment, appointment, employment, or removal of the chief executive officer or when considering matters pertaining to the recruitment or removal of the Chief Investment Officer of the State Teachers' Retirement System or the Public Employees' Retirement System.

(2) The Commission on Teacher Credentialing from holding closed sessions when considering matters relating to the recruitment, appointment, or removal of its executive director.

(h) This article does not prevent the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters relating to the development of rates and competitive strategy for plans offered pursuant to Chapter 15 (commencing with Section 21660) of Part 3 of Division 5 of Title 2.

(i) This article does not prevent the Managed Risk Medical Insurance Board from holding closed sessions when considering matters related to the development of rates and contracting strategy for entities contracting or seeking to contract with the board, entities with which the board is considering a contract, or entities with which the board is considering or enters into any other arrangement under which the board provides, receives, or arranges services or reimbursement, pursuant to Part 6.2 (commencing with Section 12693), Part 6.3 (commencing with Section 12695), Part 6.4 (commencing with Section 12699.50), Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance Code.

(j) Nothing in this article shall be construed to prevent the board of the State Compensation Insurance Fund from holding closed sessions in the following:

(1) When considering matters related to claims pursuant to Chapter 1 (commencing with Section 3200) of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

(2) To the extent that matters related

to audits and investigations that have not been completed would be disclosed.

(3) To the extent that an internal audit containing proprietary information would be disclosed.

(4) To the extent that the session would address the development of rates, contracting strategy, underwriting, or competitive strategy, pursuant to the powers granted to the board in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, when discussion in open session concerning those matters would prejudice the position of the State Compensation Insurance Fund.

(k) The State Compensation Insurance Fund shall comply with the procedures specified in Section 11125.4 of the Government Code with respect to any closed session or meeting authorized by subdivision (j), and in addition shall provide an opportunity for a member of the public to be heard on the issue of the appropriateness of closing the meeting or session.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1968, c. 1272, p. 2396, § 1; Stats.1970, c. 346, p. 741, § 5; Stats.1972, c. 431, p. 791, § 43; Stats.1972, c. 1010, p. 1872, § 63, eff. Aug. 17, 1972, operative July 1, 1972; Stats.1974, c. 1254, p. 2713, § 1; Stats.1974, c. 1539, p. 3525, § 1; Stats.1975, c. 197, p. 570, § 1; Stats.1975, c. 959, p. 2238, § 5; Stats.1977, c. 730, p. 2318, § 5, eff. Sept. 12, 1977; Stats.1980, c. 1197, p. 4043, § 1; Stats.1980, c. 1284, p. 4338, § 11; Stats.1981, c. 180, p. 1096, § 1; Stats.1981, c. 968, p. 3688, § 12; Stats.1982, c. 454, p. 1842, § 40; Stats.1983, c. 143, § 187; Stats.1984, c. 678, § 1; Stats.1984, c. 1284, § 4; Stats.1985, c. 186, § 1; Stats.1985, c. 1091, § 1; Stats.1986, c. 575, § 1; Stats.1987, c. 1320, § 2; Stats.1988, c. 1448, § 29; Stats.1989, c. 177, § 2; Stats.1989, c. 882, § 2; Stats.1989, c. 1360, § 52; Stats.1989, c. 1427, § 1, eff. Oct. 2, 1989, operative Jan. 1, 1990; Stats.1991, c. 788 (A.B.1440), § 4; Stats.1992, c. 1050 (A.B.2987), § 17; Stats.1994, c. 26 (A.B.1807), § 230, eff. March 30, 1994; Stats.1994, c. 422 (A.B.2589), § 15.5, eff. Sept. 7, 1994; Stats.1994, c. 845 (S.B.1316), § 1; Stats.1995, c. 975 (A.B.265), § 3; Stats.1996, c. 1041 (A.B.3358), § 2; Stats.1997, c. 949 (S.B.95), § 8; Stats.1998, c. 210 (S.B.2008), § 1; Stats.1998, c. 972 (S.B.989), § 1; Stats.1999, c. 735 (S.B.366), § 9, eff. Oct. 10, 1999; Stats.2000, c. 1002 (S.B.1998), § 1; Stats.2000, c. 1055 (A.B.2889), § 30, eff. Sept. 30, 2000; Stats.2001, c. 21 (S.B.54), § 1, eff. June 25, 2001; Stats.2001, c. 243 (A.B.192), § 10; Stats.2002, c; 664 (A.B.3034), § 93.7; Stats.2002, c. 1113 (A.B.2072), § 1; Stats.2005, c. 288 (A.B.277), § 1; Stats.2007, c. 577 (A.B.1750), § 4, eff. Oct. 13, 2007; Stats.2008, c. 179 (S.B.1498), § 91; Stats.2008, c. 344 (S.B.1145), § 3, eff. Sept. 26, 2008; Stats.2010, c. 328 (S.B.1330), § 81; Stats.2010, c. 32 (A.B.1887), § 2, eff. June 29, 2010; Stats.2010, c. 618 (A.B.2791), § 124; Stats.2011, c. 357 (A.B.813), § 1; Stats.2013, c. 352 (A.B.1317), § 234, eff. Sept. 26, 2013, operative July 1, 2013.)

11126.1. Record of topics discussed and decisions made at closed sessions; availability

The state body shall designate a clerk or other officer or employee of the state body, who shall then attend each closed session of the state body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available to members of the state

body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction. Such minute book may, but need not, consist of a recording of the closed session.

(Added by Stats.1980, c. 1284, p. 4340, § 12. Amended by Stats.1981, c. 968, p. 3691, § 13.)

11126.2. Closed session; response to confidential final draft audit report; public release of report

(a) Nothing in this article shall be construed to prohibit a state body that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a state body meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

(Added by Stats.2004, c. 576 (A.B.1827), § 2.)

11126.3. Disclosure of nature of items to be discussed in closed session; scope of session; notice of meeting; announcement of pending litigation; unnecessary disclosures; disclosures at open session following closed session

(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. If the session is closed pursuant to paragraph (2) of subdivision (d) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the proceeding or disciplinary action contemplated. However, should the body determine that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties if the proceeding or disciplinary action is commenced or that to do so would fail to protect the private economic and business reputation of the person or entity if the proceeding or disciplinary action is not commenced, then the state body shall notice that there will be a closed session and describe in general terms the purpose of that session. If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(b) In the closed session, the state body may consider only those matters covered in its disclosure.

(c) The disclosure shall be made as part of the notice provided for the meeting pursuant to Section 11125 or pursuant to subdivision (a) of Section 92032 of the

Education Code and of any order or notice required by Section 11129.

(d) If, after the agenda has been published in compliance with this article, any pending litigation (under subdivision (e) of Section 11126) matters arise, the postponement of which will prevent the state body from complying with any statutory, court-ordered, or other legally imposed deadline, the state body may proceed to discuss those matters in closed session and shall publicly announce in the meeting the title of, or otherwise specifically identify, the litigation to be discussed, unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage. Such an announcement shall be deemed to comply fully with the requirements of this section.

(e) Nothing in this section shall require or authorize a disclosure of names or other information that would constitute an invasion of privacy or otherwise unnecessarily divulge the particular facts concerning the closed session or the disclosure of which is prohibited by state or federal law.

(f) After any closed session, the state body shall reconvene into open session prior to adjournment and shall make any reports, provide any documentation, and make any other disclosures required by Section 11125.2 of action taken in the closed session.

(g) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcement.

(Added by Stats.1980, c. 1284, p. 4341, § 13. Amended by Stats.1981, c. 968, p. 3692, § 14; Stats.1987, c. 1320, § 3. Amended by Stats.1997, c. 949 (S.B.95), § 10; Stats.1998, c. 210 (S.B.2008), § 2; Stats.2001, c. 243 (A.B.192), § 11.)

11126.4. Closed sessions of Gambling Control Commission; information prohibited from being disclosed by law or tribal-state gaming compact; limitations; public notice

(a) Nothing in this article shall be construed to prevent the California Gambling Control Commission from holding a closed session when discussing matters involving trade secrets, nonpublic financial data, confidential or proprietary information, and other date and information, the public disclosure of which is prohibited by law or a tribal-state gaming compact.

(b) Discussion in closed session authorized by this section shall be limited to the confidential data and information related to the agendized item and shall not include discussion of any other information or matter.

(c) Before going into closed session the commission shall publicly announce the type of data or information to be discussed in closed session, which shall be recorded upon the commission minutes.

(d) Action taken on agenda items discussed pursuant to this section shall be taken in open session.

(Added by Stats. 2005, c. 274 (S.B. 919), § 1.)

11126.5. Disorderly conduct of general public during meeting; clearing of room

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting the state body conducting the meeting may order the meeting room cleared and continue in session. Nothing in this section shall prohibit the state body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting. Notwithstanding any other provision of law, only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

(Added by Stats.1970, c. 1610, p. 3385, § 1. Amended by Stats.1981, c. 968, p. 3692, § 15.)

11126.7. Fees

No fees may be charged by a state body for providing a notice required by Section 11125 or for carrying out any provision of this article, except as specifically authorized pursuant to this article.

(Added by Stats.1980, c. 1284, p. 4341, § 14. Amended by Stats.1981, c. 968, p. 3692, § 16.)

11127. Application of article

Each provision of this article shall apply to every state body unless the body is specifically excepted from that provision by law or is covered by any other conflicting provision of law.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1981, c. 968, p. 3692, § 17.)

11128. Time of closed session

Each closed session of a state body shall be held only during a regular or special meeting of the body.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1980, c. 1284, p. 4341, § 15; Stats.1981, c. 968, p. 3692, § 18.)

11128.5. Adjournment; declaration; notice; hour for reconvened meeting

The state body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from

any regular or adjourned regular meeting, the clerk or secretary of the state body may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided in Section 11125.4 for special meetings, unless that notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by law or regulation.

(Added by Stats.1997, c. 949 (S.B.95), § 11.)

11129. Continuance; posting notice

Any hearing being held, or noticed or ordered to be held by a state body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the state body in the same manner and to the same extent set forth in Section 11128.5 for the adjournment of meetings. A copy of the order or notice of continuance shall be conspicuously posted on or near the door of the place where the hearing was held within 24 hours after the time of the continuance; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

(Added by Stats.1967, c. 1656, p. 4026, § 122.
Amended by Stats.1981, c. 968, p. 3692, § 19.
Amended by Stats.1997, c. 949 (S.B.95), § 12.)

11130. Actions to prevent violations or determine applicability of article; validity of rules discouraging expression; audio recording of closed sessions; discovery procedures for recordings

(a) The Attorney General, the district attorney, or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this article or to determine the applicability of this article to past actions or threatened future action by members of the state body or to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the state body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 11126, order the state body to audio record its closed sessions and preserve the audio

recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c)(1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by the Attorney General, the district attorney, or the plaintiff in a civil action pursuant to this section or Section 11130.3 alleging that a violation of this article has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this article, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications that are protected by the attorney-client privilege.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1969, c. 494, p. 1106, § 1; Stats.1981, c. 968, p. 3693, § 20; Stats.1997, c. 949 (S.B.95), § 13; Stats.1999, c. 393 (A.B.1234), § 4; Stats.2009, c. 88 (A.B.176), § 43.)

11130.3. Judicial determination action by state body in violation of §§ 11123 or 11125 null and void; action by interested person; grounds

(a) Any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of obtaining a judicial determination that an action taken by a state body in violation of Section 11123 or 11125 is null

and void under this section. Any action seeking such a judicial determination shall be commenced within 90 days from the date the action was taken. Nothing in this section shall be construed to prevent a state body from curing or correcting an action challenged pursuant to this section.

(b) An action shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement related thereto.

(2) The action taken gave rise to a contractual obligation upon which a party has, in good faith, detrimentally relied.

(3) The action taken was in substantial compliance with Sections 11123 and 11125.

(4) The action taken was in connection with the collection of any tax.

(Amended by Stats.1999, c. 393 (A.B.1234), § 5.)

11130.5. Court costs and attorney fees

A court may award court costs and reasonable attorney's fees to the plaintiff in an action brought pursuant to Section 11130 or 11130.3 where it is found that a state body has violated the provisions of this article. The costs and fees shall be paid by the state body and shall not become a personal liability of any public officer or employee thereof.

A court may award court costs and reasonable attorney's fees to a defendant in any action brought pursuant to Section 11130 or 11130.3 where the defendant has prevailed in a final determination of the action and the court finds that the action was clearly frivolous and totally lacking in merit.

(Added by Stats.1975, c. 959, p. 2240, § 6. Amended by Stats.1981, c. 968, p. 3693, § 21; Stats.1985, c. 936, § 2.)

11130.7. Violations; misdemeanor

Each member of a state body who attends a meeting of that body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this article, is guilty of a misdemeanor.

(Added by Stats.1980, c. 1284, p. 4341, § 16. Amended by Stats.1981, c. 968, p. 3693, § 22. Amended by Stats.1997, c. 949 (S.B. 95), § 14.)

11131. Use of facility allowing discrimination; state agency

No state agency shall conduct any meeting, conference, or other function in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry, or any characteristic listed or defined in Section 11135 or that is inaccessible to disabled persons, or where members of the

public may not be present without making a payment or purchase. As used in this section, "state agency" means and includes every state body, office, officer, department, division, bureau, board, council, commission, or other state agency.

(Added by Stats.1970, c. 383, p. 798, § 1. Amended by Stats.1981, c. 968, p. 3693, § 23. Amended by Stats.1997, c. 949 (S.B.95), § 15.; Stats. 2007, c. 568 (A.B. 14), § 32.)

11131.5. Identity of victims or alleged victims of crimes, tortious sexual conduct, or child abuse; public disclosure

No notice, agenda, announcement, or report required under this article need identify any victim or alleged victim of crime, tortious sexual conduct, or child abuse unless the identity of the person has been publicly disclosed.

(Added by Stats.1997, c. 949 (S.B.95), § 16.)

11132. Closed session by state body prohibited

Except as expressly authorized by this article, no closed session may be held by any state body.

(Added by Stats.1987, c. 1320, § 4.)

3. STAFF DIRECTORY

- Board Staff Phone Rosters by Unit and Name

4. TECHNICAL ADVISORY COMMITTEES (TAC)

- Organization and Procedure: Technical Advisory Committees (TAC)

Board for Professional Engineers, Land Surveyors, and Geologists

TECHNICAL ADVISORY COMMITTEES OPERATING PROCEDURES

Adopted April 21, 2017

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ARTICLE I: LEGAL AUTHORITY OF THE TECHNICAL ADVISORY COMMITTEES

1.0 ESTABLISHMENT OF TECHNICAL ADVISORY COMMITTEES

1.0.1 The Board may establish Technical Advisory Committees (TACs) to advise and assist the Board in accordance with the provisions of Sections 6726 through 6726.4 engineering), Sections 7826 through 7826.4 (geology and geophysics), and Sections 8715 through 8715.4 (land surveying) of the Business and Professions Code.

1.0.2 The Board may have Technical Advisory Committees in any discipline as needed.

1.0.3 The Board shall establish Technical Advisory Committees only as it determines them necessary for the orderly and timely conduct of the Board's business.

1.1 ROLE OF TECHNICAL ADVISORY COMMITTEES

1.1.1 The role of the TAC is to advise and assist the Board with respect to the following:

a) Application review and verification for any level of registration, licensure, authority, or title.

b) Evaluation and investigation of potential violations of the act.

c) Amendment, repeal, adoption, or revision of board rules, regulations, policies, and procedures.

1.1.2 All Technical Advisory Committees shall be advisory, and no Technical Advisory Committee nor individual TAC member shall have the power to bind or represent the Board except when specifically authorized by the Board.

ARTICLE II: TECHNICAL ADVISORY COMMITTEE OPERATING PROCEDURES

2.0 PRIORITY OF LAWS AND OPERATING PROCEDURES

2.0.1 All state laws and their associated regulations (e.g., the Bagley-Keene Open Meeting Act (Government Code section 11120, et seq.), the Professional Engineers Act (Business and Professions Code section 6700, et seq.)) govern the actions and procedures of the Technical Advisory Committees for all meetings and take precedence over the TAC Operating Procedures and the Board Operating Procedures in case of any conflict.

2.0.2 The TAC Operating Procedures and the Board Operating Procedures will govern the actions to be taken by the TACs. If a situation is not covered by the TAC

Operating Procedures or the Board Operating Procedures, Robert's Rules of Order will govern the actions to be taken by the TAC.

2.1 SUSPENSION OF AN OPERATING PROCEDURE

2.1.1 Any operating procedure of the TAC may be suspended temporarily by a majority of the members present, provided that such temporary suspension shall apply only to the matter under immediate consideration and in no case shall it extend beyond adjournment.

2.2 AMENDMENT TO THE TAC OPERATING PROCEDURES

2.2.1 The TAC Operating Procedures may be amended only by the Board at a scheduled meeting of the Board by a majority of the members present, provided that the proposed amendment has been placed on the agenda.

ARTICLE III: COMMITTEE MEMBERSHIP

3.0 COMMITTEE COMPOSITION

3.0.1 The Board shall solicit applications from interested parties for appointment to the TACs as it deems necessary.

3.0.2 The TACs shall be limited to five members.

3.0.3 To the extent practical, the membership of the TACs shall provide for broad representation of the licensees in the discipline represented by the TAC.

3.0.4 All TAC members shall have a current and valid license in the discipline represented throughout their tenure on the TAC.

3.1 TERMS OF APPOINTMENT

3.1.1 Members of the TACs shall be appointed for a two-year term, beginning on July 1, and shall serve at the pleasure of the Board.

3.1.2 Appointments of TAC members should be limited to three terms.

3.1.3 The initial appointments to a newly-created TAC should be made so half of the appointees serve one-year terms and the remainder serve regular two-year terms.

3.2 VACANCIES

3.2.1 A vacancy in the membership of any TAC shall be filled by the Board.

3.3 BOARD LIAISONS

3.3.1 The Board President shall designate two Board members to serve as Board Liaisons to the TAC, one of whom shall be the corresponding professional member and one who is a public member.

3.3.2 The Board Liaisons are not members of the TAC and do not have voting privileges at TAC meetings. The role of the Board Liaisons is to provide guidance to the TAC on the topics assigned to it by the Board and to report to the Board the actions and recommendations of the TAC.

3.3.3 The professional member will be the senior representative and will make reports to the Board and recommendations on matters calling for Board action, including recommendations on appointments of individuals to serve on the TAC. The public member will report to the Board in the professional member's absence.

3.3.4 All transactions between the TAC and the Board, and the Board and the TAC shall be through the Board Liaisons.

ARTICLE IV: MEETINGS OF THE TECHNICAL ADVISORY COMMITTEES

4.0 SCHEDULE OF TAC MEETINGS

4.0.1 TACs shall meet only when topics have been assigned to them by the Board. TACs shall not meet to discuss topics that have not been assigned by the Board.

4.0.2 The number of TAC meetings during the year will be governed by the approved budget and by approval of the Board. The locations of the TAC meetings shall be designated by the Chair of the TAC after coordination with the Board Liaisons and the Executive Officer.

4.0.3 TAC meetings in excess of those approved in the annual workplan may not be called unless approved by the Board President, the Board Liaisons, and the Executive Officer.

4.1 QUORUM

4.1.1 Three TAC members shall constitute a quorum for the transaction of TAC business. A quorum shall be present to conduct business.

4.2 OFFICERS

4.2.1 Each TAC shall elect a Chairperson and may designate a Vice-Chairperson or other such person to act in the Chairperson's absence.

4.3 VOTING

4.3.1 TAC Chairpersons may vote on all motions before their committees and may participate in the debate of questions and motion.

4.3.2 Only TAC members shall vote on matters pending in TAC meetings.

ARTICLE V: ROLE OF THE CHAIR AND VICE CHAIR

5.0 DUTIES AND RESPONSIBILITIES OF THE CHAIRPERSON

5.0.1 The Chairperson shall preside at all TAC meetings.

5.0.2 The Chairperson shall ensure compliance with the Bagley-Keene Open Meeting Act for all aspects of TAC meetings, including but not limited to preparing notices and agendas for and minutes of the meetings.

5.0.3 The Chairperson shall ensure the preparation of TAC reports and recommendations prior to the scheduled Board meetings and deliver these to the Board Liaisons.

5.1 DUTIES AND RESPONSIBILITIES OF THE VICE CHAIRPERSON

5.1.1 The Vice Chairperson of the TAC assumes the duties of the TAC Chairperson in the full or temporary absence or temporary incapacitation of the TAC Chairperson.

ARTICLE VI: ACTIONS OF THE TECHNICAL ADVISORY COMMITTEES

6.0 WORKPLAN

6.0.1 Each TAC shall submit a proposed annual workplan to the Board through the Board Liaisons no later than two months prior to the beginning of each fiscal year.

6.0.2 The workplan for each TAC should contain the number of meetings required to accomplish the next year's work load.

6.0.3 Issues or topics not in the approved workplan shall be brought by the Board Liaisons to the attention of the Board for discussion and possible assignment to the TAC before such issues or topics may be discussed by the TAC.

6.1 ACTIONS AND RECOMMENDATIONS BY THE TAC

6.1.1 The TAC may take action to approve and adopt minutes of prior TAC meetings; to schedule future meetings; and to select items for discussion at future meetings.

6.1.2 Any other "action" taken by the TAC must be in the form of a recommendation to be presented to the Board since the TAC has no authority to act on behalf of the Board.

6.2 PRESENTATION OF TAC RECOMMENDATIONS TO THE BOARD

6.2.1 The TAC members shall work with the Board Liaisons and the Executive Officer regarding the presentation of any recommendations from the TAC to the Board.

6.2.2 Recommendations from the TAC shall be considered by the Board at a regularly scheduled Board meeting with proper notice of such consideration.

ATTACHMENT A

ASSIGNMENT OF DUTIES TO TACS

The Board may establish one or more technical advisory committees to advise and assist the board with respect to the following:

1) Application review and verification for any level of registration, licensure, authority, or title.

2) Evaluation and investigation of potential violations of the act.

3) Amendment, repeal, adoption, or revision of board rules, regulations, policies, and procedures.

5. DEPARTMENT OF CONSUMER AFFAIRS (DCA)

- Organizational Charts

Department of Consumer Affairs
FY 2014-15
3418.3 positions

January 2015

Director
Awet Kidane
Exempt

Chief Deputy Director
Tracy Rhine
Exempt

Special Assistant to the Director
Marcus McCarther
Exempt

Equal Employment Opportunity Office
Latania Robinson
Manager

Internal Audit Office
Annecia Wallace
Chief

Communications Division
Russ Heimerich
Deputy Director
Exempt

Policy and Programs Review Division
Sean O'Connor
Deputy Director
CEA

Arbitration Certification Program
Telephone Medical Advice Services
Professional Fiduciaries Bureau
Exempt, PFB Bureau Chief
Complaint Resolution Program

Legislative & Regulatory Review Division
Melinda McClain
Deputy Director
Exempt
Justin Paddock
Assist. Deputy Director
Exempt

Legal Affairs Division
Doreathea Johnson
Deputy Director
Exempt
Tamara Colson
Assist. General Counsel
Exempt

Board and Bureau Relations
Christine Lally
Deputy Director
Exempt
Rebecca May
Special Assistant
Exempt

Division of Investigation and Enforcement Programs
Michael Gomez
Deputy Director
Exempt

Office of Administrative Services
Tonya Corcoran
Deputy Director
CEA

Office of Information Services
Amy Cox-O'Farrell
Deputy Director
CEA

Information Security Office
Walter Durette
Chief

Bureaus

Bureau of Automotive Repair
Exempt, BAR Chief
Exempt, BAR Assist. Chief
CEA, BAR Deputy Chief, SMOG Check
CEA, BAR Deputy Chief, Field Operations
CEA, BAR Deputy Chief, Licensing & Admin
Cemetery & Funeral
CEA, Cemetery & Funeral Chief
Bureau of Electronic & Appliance Repair, Home Furnishing & Thermal Insulation
Exempt, BEARHFTI Chief
Bureau for Private Postsecondary Education
Exempt, BPPE Chief
CEA, BPPE Deputy Chief
Bureau of Real Estate
Exempt, BRE Commissioner
Exempt, BRE Chief Deputy Commissioner
Exempt, BRE Asst Comm., Legal Affairs
CEA, BRE Asst. Comm., Enforcement
CEA, BRE Chief Auditor
CEA, BRE Licensing & Admin. Services
CEA, BRE Subdivisions
Bureau of Real Estate Appraisers
Exempt, BREA Chief
CEA, BREA Deputy Director Licensing, Enforcement & Admin. Services
Bureau of Security & Investigative Services
Exempt, BSIS Chief

Boards/Committees/Commission

Executive Officers, Committee & Commission Members – ALL EXEMPT

Board of Accountancy
CEA, BOA Chief of Enforcement
Acupuncture Board
Architects Board
Athletic Commission
Board of Barbering & Cosmetology
Board of Behavioral Sciences
Board of Chiropractic Examiners
Contractor's State License Board
CEA, CSLB Chief Deputy Registrar
CEA, CSLB Chief of Enforcement
CEA, CSLB Chief of Licensing
CEA, CSLB Chief of Legislation
Court Reporters Board
Dental Board
Dental Hygiene Committee
Board of Guide Dogs for the Blind
Landscape Architects Technical Committee
Medical Board of CA
CEA, MBC Assist Exec. Director
CEA, MBC Enforcement Program Manager
CEA, MBC Chief of Licensing
CEA, MBC Chief of Legislation
Naturopathic Medicine Committee
Board of Occupational Therapy
Board of Optometry
Osteopathic Medical Board
Board of Pharmacy
CEA, BOP Assistant EO
Physical Therapy Board
Physician Assistant Committee
Board of Professional Engineers, Land Surveyors & Geology
Board of Podiatric Medicine
Board of Psychology
Board of Registered Nursing
Respiratory Care Board
Speech-Language Pathology and Audiology & Hearing Aid Dispensers
Structural Pest Control Board
Veterinary Medical Board
Board of Vocational Nursing & Psychiatric Technicians
CEA, BVNPT Assistant EO

AWET KIDANE, DIRECTOR

JEFFREY SEARS, PERSONNEL OFFICER

Red = Exempts / Blue = CEA's

DEPARTMENT OF CONSUMER AFFAIRS

2017-2020 STRATEGIC PLAN

STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

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2017 DCA EXECUTIVE TEAM

Dean R. Grafilo
Director

Jeffrey Mason
Chief Deputy Director

Doreathea Johnson
Deputy Director,
Legal Affairs Division

Christine Lally
Deputy Director,
Board and Bureau Relations

Adam Quiñonez
Deputy Director,
Legislation and Regulatory Review

Veronica Harms
Deputy Director,
Communications

Tonya Corcoran
Deputy Director,
Administrative Services

Jason Piccione
Deputy Director,
Office of Information Services

David Chriss
Chief, Division of Investigation

Tracy Montez
Chief, Division of Programs and
Policy Review

Brian Clifford
Senior Planning and
Implementation Manager

Edmund G. Brown Jr.
Governor

Alexis Podesta
Secretary, Business, Consumer Services and Housing Agency

MESSAGE FROM THE DIRECTOR

Dean R. Grafilo, *Director*

As the Director of the Department of Consumer Affairs (DCA), I am privileged to present the *2017–2020 Strategic Plan* and to express my gratitude for all the work that took place in its development. This plan is a road map outlining our goals and objectives for the next three years. I hope it provides a shared understanding of where we want to go toward the planned growth and development of DCA.

This *Strategic Plan* re-affirms our commitment to consumer protection and sets forth new mission and vision statements with clearly expressed guiding values. It is my belief that a firm commitment to this *Strategic Plan* will support us to create the future we envision—for the people we serve, our department, and ourselves.

Here are a few highlights of the *2017–2020 Strategic Plan*:

- We look at multiple areas in developing strong relationships with our key constituents and providing a strong line of communication to educate them on best practices, efficiency methods, and to provide DCA with feedback on how to improve in specific areas.
- We recognize the need for training programs to help employees perform their jobs more efficiently and accurately. We have identified trainings for enforcement, licensing, the regulations process, the Budget Change Proposal process, and many more.
- We welcome technology to assist with innovation in order to perform our jobs in a more transparent and effective way.
- We embrace diversity and will ensure all outreach encompasses all communities.

This *Strategic Plan* is a product of a collective effort driven by staff at all levels. The feedback received was instrumental in identifying areas of focus and generating the objectives described in this document. On behalf of DCA, I extend my thanks to all who contributed to DCA's *2017–2020 Strategic Plan*.

I invite you to join us as we implement the various elements of this plan. I hope that you will continue to work with us to achieve these ambitious goals.

Sincerely,

Dean R. Grafilo
Director, Department of Consumer Affairs

ABOUT US

THE DEPARTMENT OF CONSUMER AFFAIRS (DCA) PROTECTS AND SERVES CALIFORNIA CONSUMERS WHILE ENSURING A COMPETENT AND FAIR MARKETPLACE. TO SUPPORT THIS EFFORT, DCA FOSTERS RELATIONSHIPS WITH CONSUMER AND PUBLIC INTEREST GROUPS, THE BUSINESS AND PROFESSIONAL COMMUNITY, LAW ENFORCEMENT, AND OTHER GOVERNMENT AGENCIES.

DCA protects and serves consumers in many ways, including:

- Providing access to competent and ethical service providers, making sure a person who holds a license issued by a board or bureau under DCA has met minimum qualifications, such as education, experience, and/or examination requirements.
- Fighting fraud and enforcing laws to protect consumers. DCA's enforcement staff collaborates with the Attorney General's Office and local district attorneys to take action against unqualified individuals and unlicensed practitioners.

- Verifying a provider's license status. The license status of the more than 3.3 million licenses, registrations, certifications, and permits issued through DCA is available online or by phone.
- Supporting and advocating for consumer interests before lawmakers. DCA staff review and analyze proposed legislation and regulations to ensure that consumers are protected.
- Investigating consumer complaints. If violations are found, license holders can face discipline that includes probation, suspension or revoking a license, fines and citations, letters of reprimand, or cease-and-desist orders.

ISSUING LICENSES AND PERMITS

DCA issues licenses, certificates, registrations and permits in over 250 business and professional categories through 39 regulatory entities comprised of boards, bureaus, committees, a program, and a commission (boards and bureaus). These 39 entities set and enforce minimum qualifications for the professions and vocations they regulate, which include nearly all of California's healthcare fields.

SUPPORTING OUR BOARDS AND BUREAUS

DCA's 39 regulatory entities are supported by a staff of legal, technical, and administrative professionals. These professionals provide human resources, information technology, investigations, professional examinations, training, strategic planning, fiscal management, and other intergal support services. DCA is committed to its core mission of consumer protection, which is shared by all of its boards and bureaus. The individuals who serve at DCA inform and empower consumers, promote consumer interests before lawmakers, enforce consumer protection laws, collaborate with law enforcement to fight consumer fraud, resolve disputes between consumers and businesses, promote use of fair and valid licensing examination programs, and work to ensure that consumers have a voice in the California marketplace.

MISSION

We protect California consumers by providing a safe and fair marketplace through oversight, enforcement, and licensure of professions.

VISION

Together, empowering California consumers.

VALUES

Accountability

Communication

Diversity

Employees

Integrity

Leadership

Service

Transparency

OUR STRATEGIC GOALS

1. ENFORCEMENT

DCA ensures its boards and bureaus prevent, reduce, or eliminate unlicensed activity and harmful conduct by licensed professionals who pose a threat to the health, safety, and welfare of Californians.

2. LICENSING

DCA ensures its boards and bureaus expeditiously license qualified applicants to allow timely entrance into the California workforce, avoid establishing artificial barriers to licensure, and maintain consumer protection.

3. POLICY AND CONSUMER ADVOCACY

DCA advocates on behalf of consumers by ensuring that statutes, regulations, policies, and procedures support and further the mandate and mission of DCA.

4. COMMUNICATION

DCA provides relevant, timely, and accurate information to all stakeholders.

5. SERVICES

DCA provides services to support its boards and bureaus while ensuring compliance with existing laws, rules, and best practices.

6. TECHNOLOGY

DCA explores opportunities to address business needs through technology solutions.

7. ORGANIZATIONAL EFFECTIVENESS

The DCA standard is to build an exemplary organization through governance, effective leadership, performance, and service.

GOAL 1: ENFORCEMENT

DCA ENSURES ITS BOARDS AND BUREAUS PREVENT, REDUCE, OR ELIMINATE UNLICENSED ACTIVITY AND HARMFUL CONDUCT BY LICENSED PROFESSIONALS WHO POSE A THREAT TO THE HEALTH, SAFETY, AND WELFARE OF CALIFORNIANS.

1.1 Enhance enforcement training for board and bureau enforcement staff to increase efficiency and quality, and reduce investigation timelines.

1.2 Reduce vacancies in the Division of Investigation (DOI) Health Quality Investigation Unit and Investigation and Enforcement Unit by implementing improved means to attract, recruit, and retain staff.

1.3 Establish a nonsworn investigative unit at DOI that will assist with investigating low-priority cases and develop staff for sworn positions.

1.4 Establish a deputy director position(s) for enforcement oversight to proactively monitor data and develop recommendations regarding board and bureau enforcement functions.

GOAL 2: LICENSING

DCA ENSURES ITS BOARDS AND BUREAUS EXPEDITIOUSLY LICENSE QUALIFIED APPLICANTS TO ALLOW TIMELY ENTRANCE INTO THE CALIFORNIA WORKFORCE, AVOID ESTABLISHING ARTIFICIAL BARRIERS TO LICENSURE, AND MAINTAIN CONSUMER PROTECTION.

2.1 Continue to educate boards and bureaus about Business and Professions Code Section 139 to improve compliance and to continue to prevent artificial barriers to licensure.

2.2 Establish a deputy director position for licensing oversight to monitor data to proactively develop recommendations.

2.3 Document licensing business processes for all DCA programs for standardization, consistency, and training.

2.4 Improve transparency and communication of the licensing requirements (respective to boards and bureaus) by promoting enhanced education of the licensing process to applicants.

2.5 Partner with boards and bureaus to establish licensing best practices for standardization and consistency.

2.6 Establish a Department ombudsman to help facilitate entry into licensed professions.

GOAL 3: POLICY AND CONSUMER ADVOCACY

DCA ADVOCATES ON BEHALF OF CONSUMERS BY ENSURING THAT STATUTES, REGULATIONS, POLICIES, AND PROCEDURES SUPPORT AND FURTHER THE MANDATE AND MISSION OF DCA.

3.1 Partner with boards and bureaus to assess the DCA regulatory review process and reduce timelines.

3.2 Implement a cloud-based regulation tracking system to facilitate concurrent reviews and help keep boards and bureaus better informed during the regulatory review process.

3.3 Create and implement a more detailed board regulation training to enhance board staff's knowledge about the regulatory process.

3.4 Engage with boards and bureaus to proactively develop a policy direction on a regular basis to achieve Department-wide policy objectives.

GOAL 4: COMMUNICATION

DCA PROVIDES RELEVANT, TIMELY, AND ACCURATE INFORMATION TO ALL STAKEHOLDERS.

4.1 Formalize and standardize communication by requiring board and bureau staff to adhere to DCA policies and department procedures memoranda (DPMs) and document oversight processes.

4.2 Establish new internal communication channels that enable staff to better recognize their part in the larger DCA community.

4.3 Partner with other stakeholder organizations to better educate the public about DCA's role.

4.4 Support the boards and bureaus with the development and implementation of their outreach plans to facilitate public awareness of consumer resources and options.

4.5 Improve outreach to diverse communities so that DCA's communication and consumer protection is reflective of California's diverse population.

GOAL 5: SERVICES

DCA PROVIDES SERVICES TO SUPPORT ITS BOARDS AND BUREAUS WHILE ENSURING COMPLIANCE WITH EXISTING LAWS, RULES, AND BEST PRACTICES.

GENERAL DCA SERVICES

5.1 Educate DCA staff about the roles, expertise, and services provided by DCA divisions to the boards and bureaus to solidify working relationships.

OFFICE OF ADMINISTRATIVE SERVICES

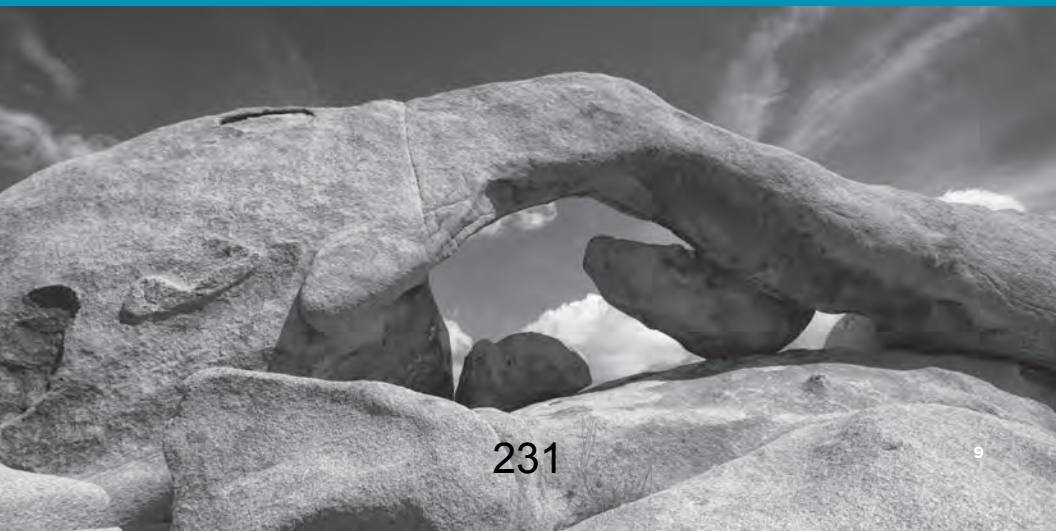
5.2 Establish and maintain real-time position control to monitor board and bureau vacancy metrics.

5.3 Implement a service desk ticketing system for various administrative functions to improve tracking and efficiency.

5.4 Develop training on "Preparing Your Best Budget Change Proposal (BCP) Requests" to better facilitate BCPs that will support organizational needs, fulfill customer service expectations, and achieve proper resource levels.

5.5 Enhance training and tools for boards and bureaus to effectively use the Examination and Certification Online System to facilitate faster and more efficient hiring.

5.6 Implement the statewide FI$CAL system for DCA Accounting and Budgeting.



LEGAL AFFAIRS OFFICE

5.7 Establish a staff upward mobility and retention plan to build a legal team with longevity and decrease vacancies.

5.8 Develop subject matter expertise (for such topics as the Open Meeting Act, anti-trust, employment, conflict of interest, etc.) to improve quality of service and enhance consumer protection.

5.9 Develop and maintain an internal, online opinion bank that houses agency-wide legal opinions to promote consistency with respect to opinions issued by legal staff to boards and bureaus and within the legal office.

SOLID TRAINING AND PLANNING SOLUTIONS

5.10 Research a learning management system to administer, document, track, and report training programs.

5.11 Develop board member training modules on specific topics and offer the trainings in various methods (such as online library, in-person, tutorials) to give board members more effective tools related to their roles.

5.12 Enhance board and bureau enforcement units' internal ability to train and develop staff.

OFFICE OF PROFESSIONAL EXAMINATION SERVICES

5.13 Partner with boards and bureaus to establish a schedule for timely review of their respective licensing examination programs, regardless of use of state or national exams.

GOAL 6: TECHNOLOGY

DCA EXPLORES OPPORTUNITIES TO ADDRESS BUSINESS NEEDS THROUGH TECHNOLOGY SOLUTIONS.

6.1 Increase civic engagement with DCA programs by expanding a dynamic and relevant Web presence. This can be achieved by (1) expanding the functionality, usability, and performance of the Department's licensee search engines; (2) incorporating geographic information system (GIS) and geo-spatial technologies into DCA's Web applications; (3) introducing a streamlined process to make DCA licensee datasets available to the public in an automated and secure method; and (4) developing a DCA app to allow access via mobile devices.

6.2 Introduce mobile devices to enhance the enforcement workforce's abilities in the field.

6.3 Develop software application functionality to support enforcement and field investigations.

6.4 Educate the mobile workforce to better utilize automated tools and devices in their operations.

6.5 Partner with DCA programs in need of technological platform replacement by (1) initiating programs' analysis and documentation of business processes, (2) educating programs on the State Project Approval Lifecycle to ensure smooth transition to platform replacement, and (3) partnering with DCA programs to develop a methodology to document the unique business and system requirements.

6.6 Increase departmental partnership with internal and external stakeholders by increasing the footprint of audio and video collaboration methods and fully deploying all components of DCA's Office 365 platform (including Skype for Business and SharePoint).

6.7 Mature the support function for Office of Information Services clients by (1) providing a self-service portal for internal support, (2) providing a fully functioning knowledge library for support assistance, and (3) establishing a configuration management function that promotes equipment upgrades and optimized functionality.

GOAL 7: ORGANIZATIONAL EFFECTIVENESS

THE DCA STANDARD IS TO BUILD AN EXEMPLARY ORGANIZATION THROUGH GOVERNANCE, EFFECTIVE LEADERSHIP, PERFORMANCE, AND SERVICE.

7.1 Improve engagement with the clients on departmental projects and issues.

7.2 Use metrics to identify, manage, and evaluate board and bureau resource needs to improve BCPs, document staff productivity, and assess workload.

7.3 Maintain current DCA policies and DPMs to facilitate staff understanding of DCA protocols.

7.4 Engage with DCA programs, boards, and bureaus to update information and improve DCA's intranet and the Internet sites to foster staff and stakeholder understanding of DCA objectives.

7.5 Establish an exit process for top management retirements (including executive staff and board and bureau leadership) to stay better apprised with departmental needs, facilitate leadership transition, and protect board and bureau stability.

7.6 Contract with independent organization(s) to perform occupational analyses and salary surveys of management-level positions equivalent to the Executive Officer and Bureau Chief classifications to provide the Department with enhanced ability to attract and retain competitive applicants.

STRATEGIC PLANNING PROCESS

To understand the environment in which DCA operates and identify factors that could impact its success, DCA's SOLID Unit conducted an environmental scan of DCA's internal and external environments by collecting information through the following methods:

- Interviews conducted with all of DCA's executive leaders completed during November and December 2016.
- An online survey (collecting qualitative and quantitative information) distributed to all DCA staff, board members, and bureau advisory committee members in November and December 2016.

The themes and trends identified from the environmental scan were discussed by the DCA executive leadership team during a strategic planning session facilitated by SOLID on January 30, 2017. This information guided the development of strategic objectives outlined in this *2017–2020 Strategic Plan*.

DEPARTMENT OF CONSUMER AFFAIRS

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DEPARTMENT OF CONSUMER AFFAIRS

solid
planning solutions

Prepared by

SOLID PLANNING SOLUTIONS
DEPARTMENT OF CONSUMER AFFAIRS

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This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the California Department of Consumer Affairs during late 2016 and early 2017. Subsequent amendments may have been made after adoption of this plan.

PDE_17-064

6. NCEES, ABET, AND ASBOG

- NCEES Purpose and Objectives and Strategic Plan
- Accreditation Board for Engineering and Technology (ABET) Mission and Vision
- Guide for Observers on Accreditation Visits
- National Association of State Boards of Geology (ASBOG) Mission Statement and Objectives

NCEES
advancing licensure for engineers and surveyors

Vision

The vision of NCEES is to provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure.

Mission

The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

This mission is supported through its member boards, board of directors, staff, board administrators, and volunteers by:

- Providing outstanding nationally normed examinations for engineers and surveyors
- Providing uniform model laws and model rules for adoption by the member boards
- Promoting professional ethics among all engineers and surveyors
- Coordinating with domestic and international organizations to advance licensure of all engineers and surveyors

2–3 YEAR PLANNING HORIZON

Outcome-Focused Goals, Objectives, and Metrics

The following represents the organization's goals for the next two to three years. These goals are outcome-oriented statements that define what will constitute NCEES' future success. The achievement of each goal will move the organization toward the realization of its envisioned future. The objectives reflect the broad range of directions that will be undertaken to change existing conditions in order to achieve the goal.

Constituent Advocacy

NCEES will support the activities of the member boards to promote the development of quality standards for the licensure of the engineering and surveying professions.

Education, Examinations, and Experience

Education standards for entry into professional practice and for continued licensure will continually evolve to reflect minimum requirements for the protection of the public.

Public Awareness and Growth of Licensure

The general public and other key stakeholders have a greater understanding that engineering licensure and surveying licensure are essential to safeguarding public health, safety, and welfare Outreach activities will continue to demonstrate the value of licensure, which will result in continued growth in the number of licensed engineers and surveyors.

International

The NCEES examinations will increasingly be used outside the United States as an outcomes assessment tool to assist in determining minimum competency and to better brand NCEES' position as a global thought leader with respect to licensure.

Organizational Governance

NCEES' governance systems, processes, and structure will facilitate active and effective engagement of all member boards.

CONSTITUENT ADVOCACY

NCEES will support the activities of the member boards to promote the development of quality standards for the licensure of the engineering and surveying professions.

Priority Objective

1. Direct activities/services that sustain the duties of the member boards in licensing the professions.

   #### Strategies

   a. Update and maintain all NCEES governance documents to reflect current-day practice. *High priority*
   b. Maintain the relevancy and defensibility of the NCEES examinations. *High priority*
   c. Promote the use of the NCEES Law Enforcement Exchange. *High priority*
   d. Continue to serve as a resource to member boards on domestic and international matters related to licensure.
   e. Enhance NCEES technologies and processes to aid in effective communication among member boards and to better facilitate mobility.

Metrics

- The NCEES *Model Law* and *Model Rules* are reviewed and amended accordingly (at least biennially).
- A Professional Activities and Knowledge Study (PAKS) is conducted a minimum of every five to seven years on each examination to comply with national testing standards, and exams statistics are reviewed during each exam committee meeting.
- Ninety percent of all member boards post enforcement actions on the NCEES Law Enforcement Exchange by 2018.
- Seven to 10 member boards will use the NCEES Records information for a candidate's application for initial licensure or comity licensure within two years of the release of the revised E3 customer management system. (2018)

EDUCATION, EXPERIENCE, AND EXAMINATIONS GOAL

Education, experience, and examinations standards for entry into professional practice and for continued licensure will reflect continually evolving minimum requirements for the protection of the public.

Priority Objective

1. Lead the dialogue on the appropriate education required for initial licensure.

   Strategies

   a. Continue the dialogue with professional and technical societies related to engineering and surveying education reform.
   b. Develop a new practice-oriented pathway to satisfy the new position statement on future education requirements for initial engineering licensure.

Second Priority Objective

2. Promote and assist with the uniform adoption and application of NCEES guidelines for continuing professional competency (CPC).

   Strategies

   a. Partner with professional and technical societies to promote NCEES CPC guidelines.
   b. Support the Committee on Member Board Administrators in the goal to develop common standards for CPC and a long-term strategic plan for more effective mobility.

Secondary Objectives

3. Increase NCEES' ability to anticipate and define future educational needs.

   Strategies

   a. Continue participation in and engagement with ABET. *High priority*
   b. Establish a way to be notified when member boards change education requirements (board profile). *Medium priority*

4. Enhance the quality of experience review for Council Record holders by external third-party reviewers.

Metrics to be reviewed

- NCEES representatives are nominated to ABET board and commissions annually.
- Each member board reviews and updates its respective board profile on MyNCEES/Member Resources within the next 12 months. (2017)
- An online ethics course is available on the NCEES website. (2018)
- Twenty-five percent of NCEES member boards provide comments to ABET regarding proposed revisions to EAC criteria 3 and 5. (2017)
- Experience as qualified for Council Record holders is accepted by all member boards.

PUBLIC AWARENESS AND GROWTH OF LICENSURE

The general public and other key stakeholders have a greater understanding that engineering licensure and surveying licensure are essential to safeguarding public health, safety, and welfare. Outreach activities will continue to demonstrate the value of licensure, which will result in continued growth in the number of licensed engineers and surveyors.

Priority Objectives

1. Increase awareness of licensure and the value of licensure to the public and key stakeholders.
2. Increase the understanding of the value of licensed engineers and surveyors by academia, students, corporations, government, and the general public. Consider actions that the Council can pursue to increase the population and diversity of candidates taking the NCEES examinations.

Strategies

a. Continue outreach events/activities in concert with the annual meeting as appropriate. Expand the Member Resources area of the NCEES website to include a toolkit to assist member boards in legislative efforts.
b. Continue to promote the value of licensure though AAES and professional/technical societies.
c. Continue participation in and funding for representatives to the Future of Surveying effort led by NSPS.

Academia/Students

a. Use the information gleaned from the Emerging Leaders program to better understand impediments to licensure and the motivation for individuals to pursue licensure.
b. Promote licensure to faculty educated outside the United States.
c. Increase the opportunities for engineering and surveying students to be presented information regarding the value of licensure. (Way to engage board members and other volunteers)
d. Increase the exposure of students to professional practice.

Corporate/Government/Public

a. Explore alternative methods of measuring experience in order to qualify for licensure.
b. Seize opportunities to promote the value of licensure.
c. Monitor key areas through options like Google Analytics, Meltwater, etc., to monitor the NCEES brand reputation and audience engagement online.

Member Boards

a. Facilitate the process to assist member boards that decouple experience as a requirement to take the PE exam. Provide data and support for decoupling the experience requirement from the exam requirement.
b. Encourage member boards to notify NCEES immediately regarding legislation or issues that could affect the regulatory environment.

Secondary Objective

2. Educate the public on roles of professional engineers and surveyors.

   Strategies

   a. Explore additional opportunities to promote engineering, surveying, and licensure to the audiences defined in the integrated marketing plan, i.e., DiscoverE, Family Day, and National Surveyors Week.
   b. Pursue opportunity to chair Engineers Week for 2018.

Metrics

- Tool kit to assist member boards with legislative actions and crisis communication is developed and available as a resource to all member boards via the NCEES website by October 1, 2017.
- At least one outreach activity is conducted in concert with the ASCE Dream Big project to promote the value of licensure. (2017)
- Integrated marketing plan is updated to incorporate feedback from the Emerging Leaders program and to include additional outreach efforts for promoting licensure to engineering and surveying faculty. (2017)
- Plan is formalized to offer free credentials evaluation to faculty who graduated from foreign programs to facilitate licensure. Track and measure number of faculty who exercise this option. (2018)
- Track and measure results for candidates allowed to take the PE exam prior to obtaining four years of progressive engineering experience. (ongoing)
- Conduct workshop at ASEE annual meeting to educate faculty educated outside the United States on the licensure process and to promote licensure. (2017)
- Develop and conduct Webinars with NSBE and NAESC on the value of licensure and the process for becoming licensed. (2017)

INTERNATIONAL GOAL

The NCEES licensure standards will increasingly be used outside the United States as an outcomes assessment tool to assist in determining minimum competency and to better brand NCEES' position as a global thought leader with respect to licensure.

Priority Objective

1. Promote the use of the NCEES fundamentals exams as outcomes assessment tools to all foreign programs that attain ABET accreditation for engineering and surveying programs.

Secondary Objective

2. Promote the use of the NCEES PE exam for use in determining minimum competency.
3. Continue engagement and leadership role with the International Engineering Alliance (IEA).

Strategies

a. Educate member boards on the need and value of international comity.
b. Increase NCEES' participation in the activities of internationally based engineering licensure organizations.
c. Facilitate international agreements between member boards and international entities that make requests.
d. Co-host the 2017 IEA meeting in Alaska in June 2017.
e. Determine the potential for NCEES examinations to be used as an assessment tool for members of the Fédération Internationale des Géometres (FIG—The International Federation of Surveyors)

Metrics

- Track international examination statistics.
- Within one year (2017), NCEES will develop and implement a plan to promote the use of the fundamentals examinations as an outcomes assessment tool to all foreign EAC/ABET-accredited programs that have an existing Pearson VUE testing center in the area.
- Patty Mamola will be elected chair of the Asia-Pacific Economic Cooperation (APEC) in 2017.
- FIG and the National Society of Professional Surveyors (NSPS) are engaged in discussions and a determination has been made about the use of NCEES exams for FIG candidates. (2018)

ORGANIZATIONAL GOVERNANCE GOAL

NCEES' governance systems, processes, and structure will facilitate active and effective engagement of all member boards.

Priority Objectives

1. Increase leadership identification and development opportunities.

   Strategies

   a. Continue to assign mentors at zone meetings and annual meetings.
   b. Promote and educate member boards about the leadership process and leadership opportunities.
   c. Provide synopsis of paths to leadership to provide a clearer understanding for people interested in pursuing leadership positions.
   d. Explore more opportunities for younger/newer members to engage in volunteer/leadership opportunities
   e. Promote the role of member boards within the organization of NCEES.

2. Maintain financial support of delegates to attend Council meetings.

   Strategy

   a. Continue to provide funding as approved in the budget process for members to attend NCEES meetings.

Secondary Objective

3. Increase effective participation of members and member boards to increase national engagement.

   Strategies

   a. Explore opportunities to engage younger professionals in the work of NCEES.
   b. Increase effective engagement by member boards at NCEES meetings.
   c. Investigate possible barriers to member board engagement with NCEES.

Metrics to be reviewed

- Evaluate results from 2016 survey regarding impediments for members to assume leadership roles in NCEES and provide recommended actions. (2017)
- Each zone vice president assigns annually a mentor to all new attendees at each zone meeting.
- By 2017, develop and include information concerning paths to NCEES leadership positions in all messaging and orientation information provided to new members and to be available on the Members Resources portion of the NCEES website.
- Leadership visits are conducted with 30 member boards. (2018)

We accredit college and university programs in the disciplines of applied and natural science, computing, engineering and engineering technology at the associate, bachelor and master degree levels.

With ABET accreditation, students, employers and the society we serve can be confident that a program meets the quality standards that produce graduates prepared to enter a global workforce.

We began as the educational standard against which professional engineers in the United States were held for licensure. Today, after more than 80 years, our standards continue to play this fundamental role and have become the basis of quality for over 40 disciplines all over the world.

Developed by technical professionals from ABET's member societies, our criteria focus on what students experience and learn. Sought worldwide, ABET's voluntary peer-review process is highly respected because it adds critical value to academic programs in the technical disciplines, where quality, precision and safety are of the utmost importance.

Our more than 2,200 experts come from industry, academia and government. They give their time and effort supporting quality assurance activities around the world by serving as program evaluators, commissioners, board members and advisors.

ABET is a nonprofit, non-governmental organization recognized by the Council for Higher Education Accreditation (CHEA).

GUIDE FOR OBSERVERS
ON
ACCREDITATION VISITS

ABET

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Introduction

ABET, Inc. sends teams of evaluators to campuses around the world for the purpose of determining whether programs satisfy the accreditation criteria of one or more of ABET's Commissions. Observers are often included on these teams for the purpose of learning how the ABET accreditation process works. These observers generally fall into one of the following categories:

A. Observers representing one of ABET's Member Societies The purpose of observers in this instance is to provide training to individuals who have been selected by their Society to serve as Program Evaluators.

B. Observers representing one of the State Boards for Professional Registration within the United States The purpose of observers in this instance is to provide the State Boards with first-hand information about how ABET's accreditation process functions.

C. Observers representing one of ABET's sister accreditation agencies either within or outside of the United States The purpose of observers in this instance is to share information about ABET's accreditation process.

D. Observers representing a home-country's accreditation agency or national education authority outside of the United States The purpose of observers in this instance is to facilitate mutual learning in quality assurance for higher education between organizations.

This document is intended to provide information about how arrangements for observers are made and how observers should participate in the visit.

Historical Background

There are several steps in ABET Program Evaluator training. Initially, Program Evaluator candidates who are selected by the ABET Member Societies attend ABET Program Evaluator training. Candidates who successfully complete the training requirements may then be required to accompany an experienced program evaluator from their Society as an observer on a program visit. This requirement is imposed by the Societies and not by ABET.

ABET, formerly the Engineers' Council for Professional Development, was founded in 1932. Then, as now, the State Boards of Professional Registration sought means by which the educational credentials of applicants to the licensure process could be validated. Those programs in engineering which are accredited by the Engineering Accreditation Commission of ABET have met the basic requirements of preparing individuals to enter the engineering profession. The State Boards of Professional Registration rely on the accreditation process as a means of assuring the quality of engineering graduates. In order for the State Boards to be familiar with and to ascertain the quality of the accreditation process, ABET invites representatives of the State Boards to participate in accreditation visits as observers.

Moreover, ABET is often asked by its sister accreditation agencies to permit observers for the purpose of sharing information about its accreditation process. In many instances, these observers represent accreditation agencies outside the US that are in the process of formation.

Lastly, ABET extends an observer invitation to those accreditation agencies outside US which approved programs to seek ABET accreditation. Programs outside the US new to ABET must submit an

appropriate approval (Request for Approval; RFA) from the home-country's highest national accreditation agency or educational authority. The requirement of such approval submission stems from the fact that ABET must ascertain that programs are housed in a financially and educationally stable institution. In addition, ABET respects the program's in-country quality assurance system and does not wish to interfere with existing accreditation activities. Having observers from accreditation agencies or education authorities outside the US offers a great opportunity for ABET teams and the local organizations to share in exchange and mutual learning in the sphere of quality assurance for higher education.

How are Arrangements made for an Observer to be included in a Visit Team?

- **How is an observer assignment initiated?**

  Observers from Category A -- Society Trainees: The Society should include observer nominees along with their Program Evaluator assignments provided to ABET. The Team Chair will then contact the observer to complete the arrangements.

  Observers from Category B – State Board Observers: ABET will advise the State Boards of upcoming visits after visit dates have been confirmed and posted. Contact information for the Team Chair will be provided by ABET to the State Board. The State Board and the Team Chair should communicate directly concerning the inclusion of an observer on the visit.

  Observers from Category C -- Observers from sister accreditation agencies: A request from a U.S. accreditation agency should be made to ABET by e-mail (accreditation@abet.org) to secure initial approval. In the case of accreditation agencies outside the US, a request should be made to ABET by e-mail (international@abet.org) to secure initial approval. This request should include a current, brief biographical resume of the observer and the reason for the request.

  Observers from Category D – Observers from accreditation agencies or education authorities outside the US: The participant's name, biographical resume, and complete contact information must be provided to ABET HQ by e-mail (accreditation@abet.org or the designated contact) no later than August 31st following the submission of a Request for Approval (RFA).

- **How is final approval of the observer's participation obtained?**

  In the cases of observers from Category A and Category B, the Team Chair, and the institution being visited must approve each observer included on the visit team. In the cases of observers from Category C and Category D, ABET Headquarters (HQ) in addition to the Team Chair and the institution being visited must approve each observer candidate before being included on the visit team.

  Any observer who fails to comply with the observer approval procedure, the policies pertaining to conflict of interest and confidentially, or the guidelines provided below will not be included in the visit team.

- **Who pays the observer's expenses?**

  ABET is **not** responsible for reimbursement of observer expenses. An observer should contact his/her sponsoring organization to determine policies for reimbursement of travel expenses.

Conflict of Interest

In no case will an observer be accepted if the individual has a real or perceived conflict of interest with respect to the institution being visited. Conflicts of interest include graduates, faculty members, or members of boards or committees of that or neighboring institutions. Conflict of interest questions should be broadly construed as applicable to any individual who, in some way or another, is related to the institution or may have any interest in the institution other than the accreditation visit.

In the case of State Board observers, it is understood that the issue of conflict of interest must be interpreted in a less restrictive way. Graduates of the institution may be acceptable as long as they are not active in alumni groups or other functions related to the institution in positions of leadership which might affect their objectivity or inhibit interaction with the institution. A common-sense rule should be applied.

Questions related to potential conflicts of interest should be directed to the Accreditation Director (accreditation@abet.org).

Confidentiality during the accreditation process

All aspects of the visit must be regarded as STRICTLY CONFIDENTIAL. Observers may provide information related to the accreditation process to their own organization. However, they must not relate information about any specific accreditation issues or recommended actions to anyone other than members of the visiting team. Observers must sign the ABET Observer Confidentiality and COI Form prior to the visit. The signed copy should be sent to the Team Chair with a copy to accreditation@abet.org.

Observers will be furnished the same information as provided by the institution to the visiting team. These materials must be considered to be confidential. Upon completion of the visit, these materials should be returned to the Team Chair or destroyed.

Guidelines for Observers

The accreditation visit is carried out by ABET at the invitation of the institution. All communications with the institution must be made through ABET's agent, the Team Chair.

During the observer approval process prior to acceptance, the observer and the represented agency should NOT contact the visit institution in order to ensure the observer approval process is clear and fair; all coordination must be made through ABET HQ and/or the ABET Team Chair.

Observers from Category D must provide ABET HQ with the requisite information including a current biographical resume, name and complete contact information by August 31st well before the scheduled

accreditation visits. Any observer who fails to adhere to the approval process protocol will not be included in the visit team.

Observers must refrain from giving any interpretations of the accreditation criteria or any assumption pertaining to accreditation decisions. The ABET team members are assigned to evaluate specific curricula and support areas. They have received their appointment at the recommendation of the ABET Member Society whose discipline they represent and have been appropriately trained.

Observers do not have authority to act as official program evaluators. However, the Team Chair may, with the consent of the observer and the institution, assign an observer any duties which will enhance the quality of the visit without conflicting with the duties of the designated Program Evaluators.

Observers are invited to participate in all meetings and discussions, to ask questions, and to make comments when appropriate. However, care must be exercised that any comments to the institution must be in conformity with the applicable accreditation criteria.

Observers should become familiar with the applicable accreditation criteria. These criteria and related documents are available on the ABET website (www.abet.org).

Observers are encouraged to arrange to stay for the entire period of the visit. Considering the multilateral effort which goes into the scheduling, preparation and management of the visit, observers, once committed, are encouraged to participate in the entire visit.

Observers must not carry out any personal business, or any business on behalf of their organizations, while participating as observers on ABET visits.

Observers are encouraged to submit a report on their observations to the Team Chair following the visit. ABET Headquarters should also be provided with a copy of any report made to the Team Chair or to the observer's own organization.

Observers should not expect to participate in the portion of the accreditation process that occurs after the visit. ABET's invitation to participate in a visit does not extend to the portion of the accreditation process that occurs after the visit.

Guidelines for Team Chairs

The Team Chair will thoroughly check for any real or perceived conflict of interest upon receiving the candidate's information prior to confirming an approval from the visit institution, before rendering a decision on inclusion of the individual in the team. Observer approval or rejection by the team chair must be substantiated through strict adherence to the conflict-of-interest criteria.

In arranging the visit, the dean of the institution or the designated contact person should be advised of any observers, participants' role on the team, and the institution's right for declination. Approval should be obtained for all observers accompanying the team.

The Team Chair, not the institution, should handle all negotiations between the ABET Member Societies, State Boards, or other organizations and the institution.

All team members should be briefed on the duties and limitations of observers accompanying the visiting team. There should be no misunderstanding as to the assigned roles of the various team members. Observers should be reminded that they are not authorized to interpret accreditation criteria or to express opinions to the institution that might be construed as reflecting ABET policy or accreditation decisions.

The Team Chair should handle any complaint regarding the participating observer reported by the visit institution during the on-site visit or report to HQ for advice. All Team Chairs are encouraged to share their feedback with HQ if there is anything worth attention or improvement.

Observers should not carry out any official duties on behalf of their organization or conduct any personal business during the visit.

The observer from a ABET Member Society should work primarily under the direction of the Member Society's Program Evaluator.

The Team Chair may, with the consent of the observer and the institution, assign to an observer any duties which will enhance the quality of the visit without conflicting with the duties of the designated Program Evaluators. However, observers do not have authority to act as Program Evaluators.

Observers should be encouraged to report their observations to the Team Chair, either orally or in written form. They should be requested to provide ABET Headquarters with information copies of any reports submitted to the Team Chair or their organization.

Guidelines for Visit Institutions

The ABET Team Chair will advise the dean of the visit institution or the designated contact person as to any potential observers before being approved by the institution and officially included in the evaluation team. These candidates must be approved by ABET (HQ and the Team Chair) prior to inquiry of the visit institution's decision.

Institutions should not accept any observers who have not been approved by ABET HQ and the Team Chair. In the event that any observer candidate or accreditation agency contacts the visit institution without going through ABET, the institution should refer this individual/agency to contact ABET and refrain from accepting any observer until receiving a written notification from ABET HQ or its agent, the Team Chair.

Institutions should feel free to share their feedback or report any inappropriate behaviors and comments regarding the participating observers to ABET HQ or the Team Chair.

CONFIDENTIALITY OF INFORMATION

(Section Fourteen, ABET Rules of Procedure)

CONFIDENTIALITY

A. **Ethical Conduct:**

ABET requires ethical conduct by each volunteer and staff member engaged in fulfilling the mission of ABET. The organization requires that every volunteer and staff member exhibit the highest standards of professionalism, honesty, and integrity. The services provided by ABET require impartiality, fairness, and equity. All persons involved with ABET activities must perform their duties under the highest standards of ethical behavior. It is the policy of ABET that information provided by the institution is for the confidential use of ABET and its agents, and will not be disclosed without specific written authorization of the institution concerned.

B. **Privileged Information:**

The contents of all materials furnished for review purposes and discussion during the Commission meetings are considered privileged information. The contents of those documents and the accreditation actions taken may be disclosed only by staff, and only under appropriate circumstances. All communications between institutions and evaluators or Commissioners regarding final accreditation actions must be referred to ABET headquarters.

CONFLICT OF INTEREST AND CONFIDENTIALITY STATEMENT

I have received and read the ABET Conflict of Interest and Confidentiality Policies. I understand that the intent of these policies is to disclose real or perceived conflicts of interest, to recuse myself from decisions and discussions related to real or perceived conflicts of interest, to act impartially and avoid the appearance of impropriety, and to protect the confidential nature of the accreditation process. I will not participate in any decision-making capacity regarding the accreditation of a program if I have or have had a close, active association with an institution or program that is being considered for official action by ABET. I will not participate in any decision for which I, or the organization that I represent, may benefit materially.

In addition, I understand that materials furnished for the visit are considered privileged information and, consequently, are confidential. **I understand that no copies may be made of any materials or documents provided as part of the accreditation decision-making process.**

All elements of ABET's accreditation process are to be treated in a professional and confidential manner. Both ethical and legal considerations demand that the information acquired through the accreditation process not be used for purposes other than the accreditation process unless prior permission is obtained from the institution or program.

_____

Signature

_____

Print Name Date

_____

Position

Mission Statement

ASBOG® serves as a connective link among the individual state geologic registration licensing boards for the planning and preparation of uniform procedures and the coordination of geologic protective measures for the general public.

One of ASBOG®'s principal services is to develop standardized written examinations for determining qualifications of applicants seeking licensure as professional geologists. State boards of registration are provided with uniform examinations that are valid measures of competency related to the practice of the profession. Examination candidates are provided with a copy of the Professional Geologist Candidate Handbook which delineates the format and outline for the exam.

7. TRAVEL INFORMATION

- Travel Guide
- Travel Expense Claim Form
- Travel Information At-A-Glance
- Board Member Time Log

Travel Information At-A-Glance

TRAVEL ARRANGEMENTS

You must contact the Board Liaison at (916) 263-2234 to secure all travel arrangements. This includes air, rental car, and lodging. Please refrain from making them on your own.

MEALS

Starts trip at or before…	And returns from trip at or after…	Then you are entitled to…
6:00 a.m.	8:00 a.m.	Breakfast $7.00
11:00 a.m.	2:00 p.m.	Lunch $11.00
5:00 p.m.	7:00 p.m.	Dinner $23.00

If you travel for less than 24 hours, you are not entitled to a lunch reimbursement unless you are attending official Board or TAC meetings.

You will accrue $5 incidentals for every 24 hours of travel.

LODGING

Lodging Reimbursement	Up to the Maximum Rate
Statewide (except for those listed below)	$90 room rate plus taxes
Napa, Riverside, Sacramento Counties	$95 room rate plus taxes
Marin	$110 room rate plus taxes
Los Angeles, Orange, Ventura Counties and Edwards Air Force Base	$120 room rate plus taxes
Monterey, San Diego Counties	$125 room rate plus taxes
Alameda, San Mateo, and Santa Clara Counties	$140 room rate plus taxes
City of Santa Monica	$150 room rate plus tax
San Francisco County	$250 room rate plus tax

MILEAGE

Mileage is calculated at 54.5 cents per mile. This includes mileage to/from meeting site or to/from airport.

TRAVEL EXPENSE CLAIMS

While on travel status, make sure to keep all original receipts as you will need to hand them in with your *Travel Expense Information sheet*. Once travel has been completed, please submit your *Travel Expense Information sheet* including original receipts outlined below.

- Lodging
- Flight itinerary (even though prepaid by the Board)
- Rental Car Receipt (even though paid for by Board)
- Parking – Do not use valet, however, some hotels only offer this services please note on your claim.
- Cab fare, Uber, or Lyft
- Meal receipts
- Fuel for rental car*

*All employees are required to decline the Fuel Service Option (FSO) when renting a vehicle on state business as it is for the convenience of the traveler and is not a reimbursable expense. Please refuel the rental car prior to returning it to the rental agency.

BOARD MEMBER STIPEND

You will be paid $100 per day while on Board business. This includes Board and TAC meetings, outreach, hearings, interviews, review of disciplinary recommendations, etc. You will record this time on the *Board Member Time Log.* This is to be completed every month in the event you attended any Board functions and turned in no later than the 10th of the following month.

BOARD/TAC MEMBER TRAVEL EXPENSE INFORMATION

NAME		
ADDRESS	CITY	ZIP
DAYTIME PHONE NUMBER		
MEETING LOCATION		
PURPOSE OF MEETING		
DATE OF DEPARTURE	TIME OF DEPARTURE	
DATE OF RETURN	TIME OF RETURN	

EXPENSES	AMOUNT BILLED	NOTES
LODGING	$	
MILEAGE FOR PRIVATELY OWNED VEHICLE	ROUND TRIP MILEAGE _____ MILES	VEHICLE LICENSE PLATE # _____
FUEL FOR RENTAL CAR	$	Refuel prior to returning car to vendor.
PARKING	$	Airport parking must be in the economy or long-term parking lot.
TAXI	$	
SHUTTLE	$	
BRIDGE TOLLS	$	
AIRFARE IS PREPAID BY BOARD – *PLEASE INCLUDE FLIGHT ITINERARY*		
RENTAL CAR IS PAID BY BOARD – *PLEASE INCLUDE RECEIPT*		

ORIGINAL ITEMIZED RECEIPTS MUST BE INCLUDED

I hereby certify that the above and supporting documents reflect actual expense incurred by me while on official business of the State of California.

Signature: **Date**:

Mail this form with original receipts to:

BPELSG • ATTN: Celina Calderone
2535 Capitol Oaks Drive, Suite 300 • Sacramento, CA 95833
Phone (916) 263-2234 • celina.calderone@dca.ca.gov

Board for Professional Engineers, Land Surveyors, and Geologists

BOARD/TAC MEMBER TIME LOG

Please use one sheet per month. This is to be completed every month only if you attended any Board functions, and turned in following the month worked no later than the 10th.

NAME	
MONTH	

DATE	PROJECT (Example: Board and Committee meetings, hearings, interviews, review of disciplinary recommendations)	TIME WORKED	
		Days	Hours
	TOTAL DAYS & EXCESS HOURS ☞		

I hereby certify that the above information is a true and correct statement of hours worked by me and that all hours claimed are for official business of the State of California.

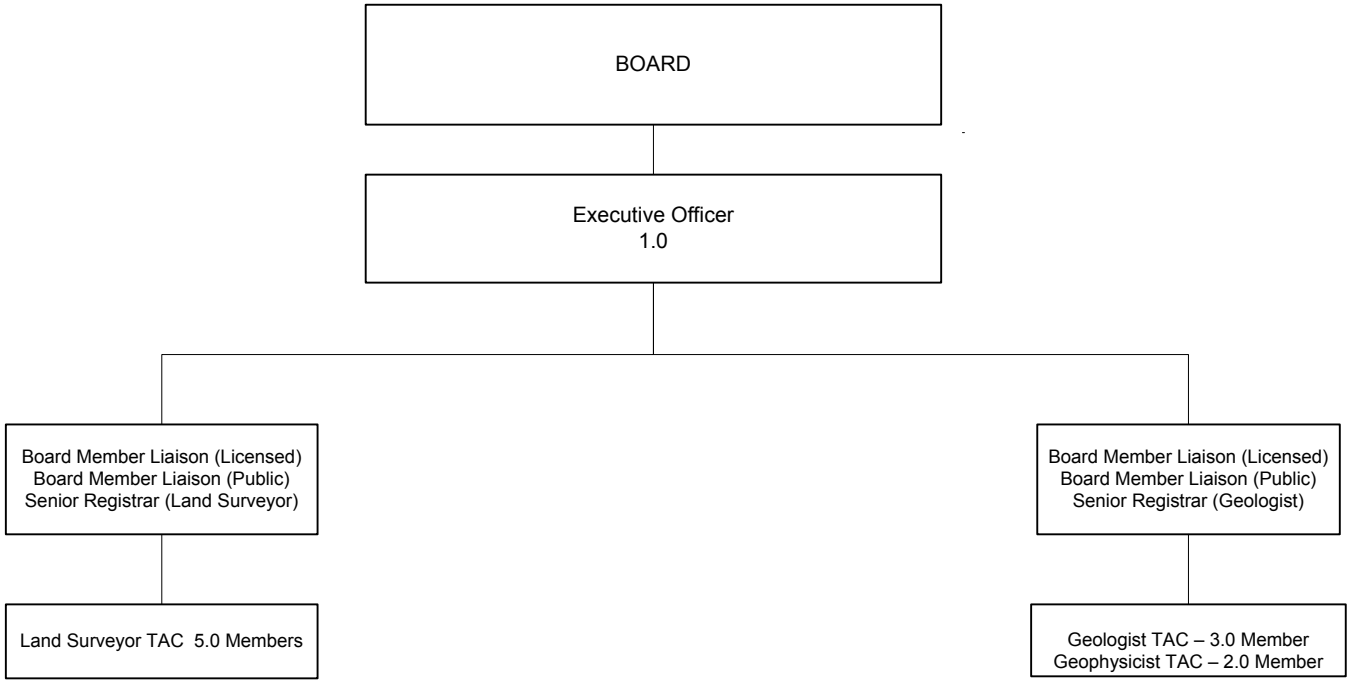
Signature:_____ Date:_____

8. LAWS AND REGULATIONS (Spiral Bound Publication)

- Rules of the Board for Professional Engineers and Land Surveyors
- Regulations Relating to the Practices of Geology and Geophysics
- Professional Engineers Act
- Professional Land Surveyors Act
- Geologist and Geophysicist Act

ATTACHMENT B

Department of Consumer Affairs
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS
December 1, 2018
Sunset Review Report
Current Organizational Chart Showing Relationship of Committees to the Board and Membership of Each Committee
Section 12 – Attachment B



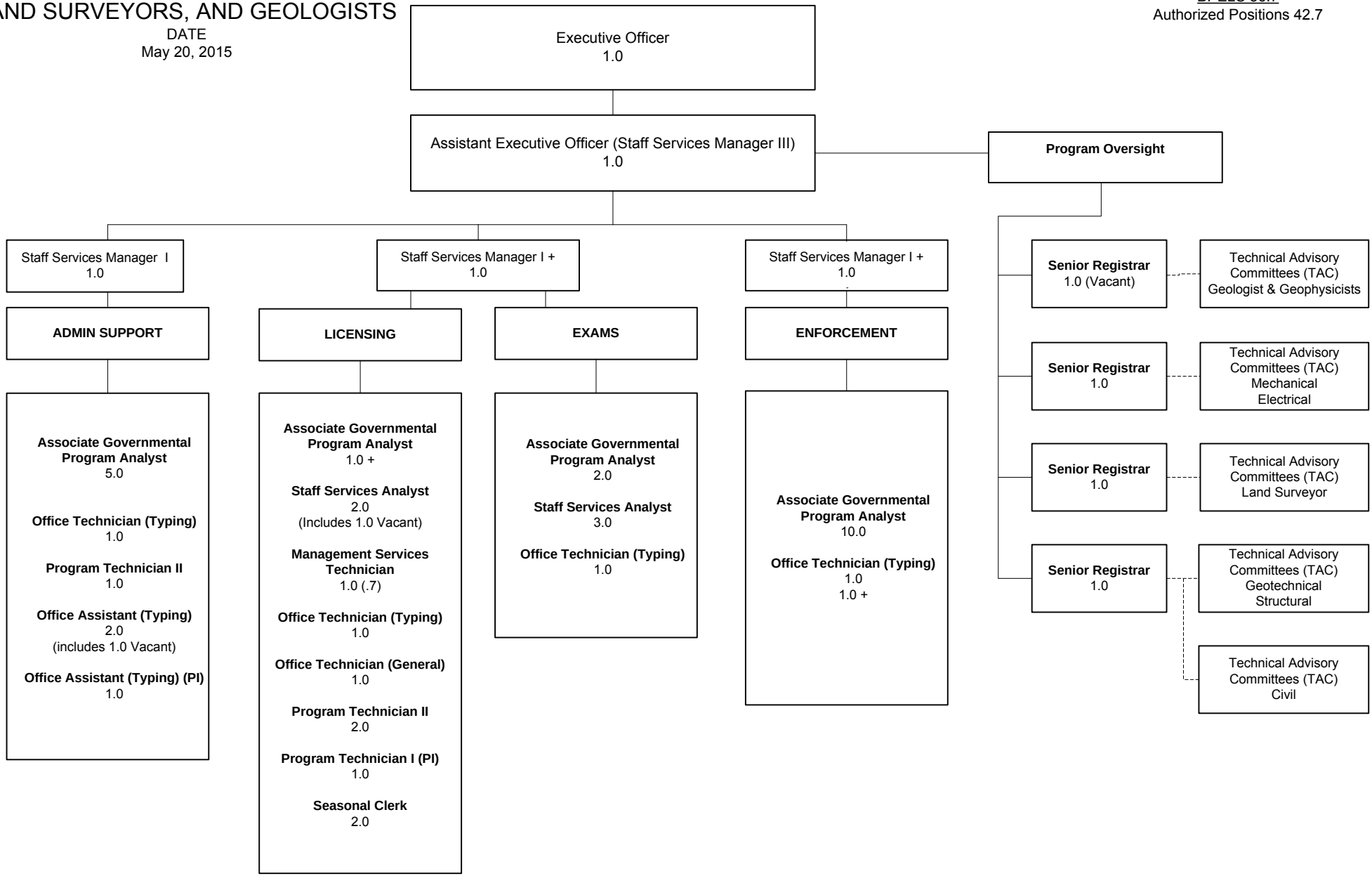
No current membership for any other TACs

ATTACHMENT C

Department of Consumer Affairs
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

DATE
May 20, 2015

FY 14-15
GG 6
BPELS 36.7
Authorized Positions 42.7



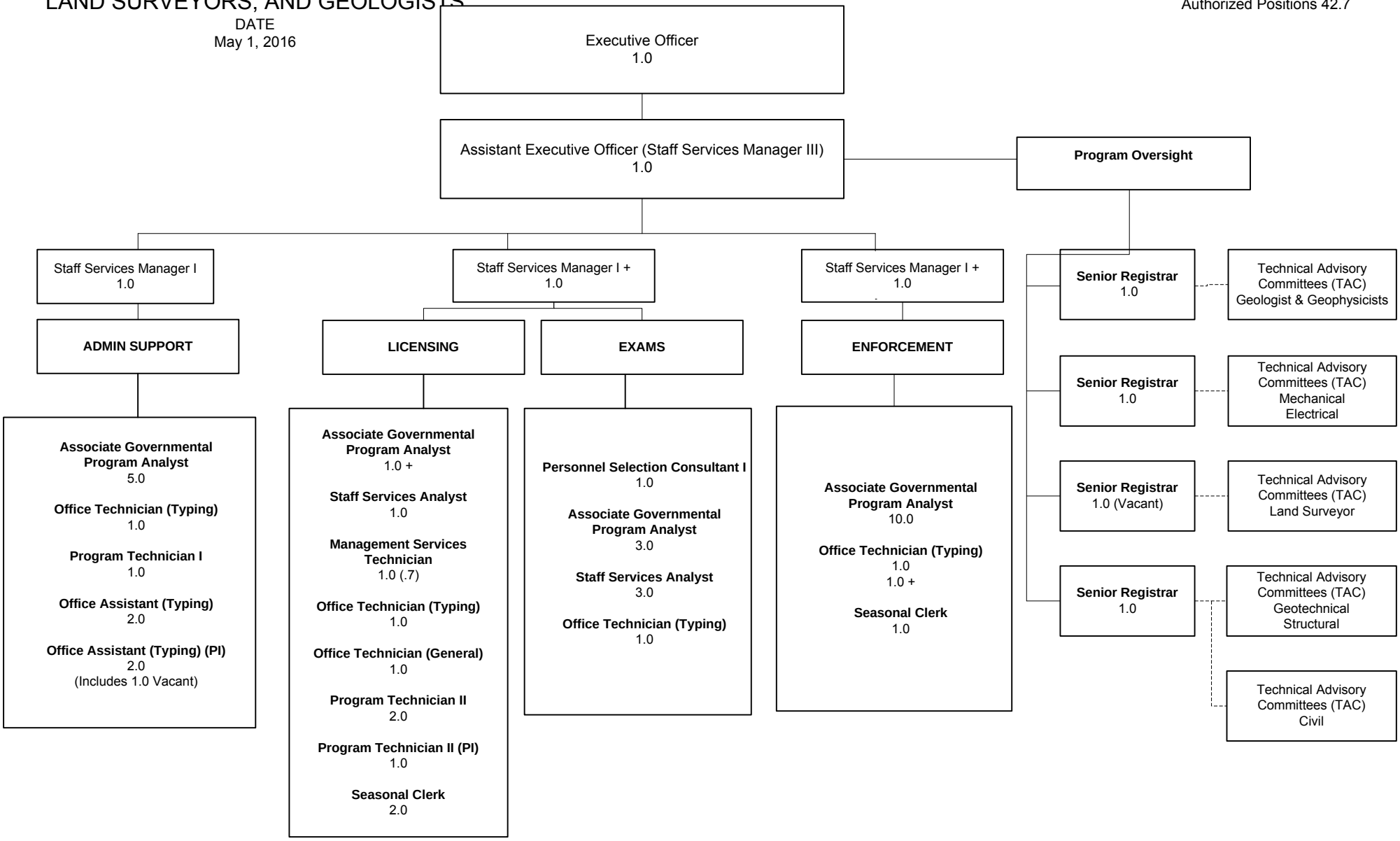
Executive Officer Date

Personnel Analyst Date

+ Designated CORI Positions
PI = Permanent Intermittent
.7 = Less than full time

Department of Consumer Affairs
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
DATE
May 1, 2016

FY 15-16
GG 6
BPELS 36.7
Authorized Positions 42.7



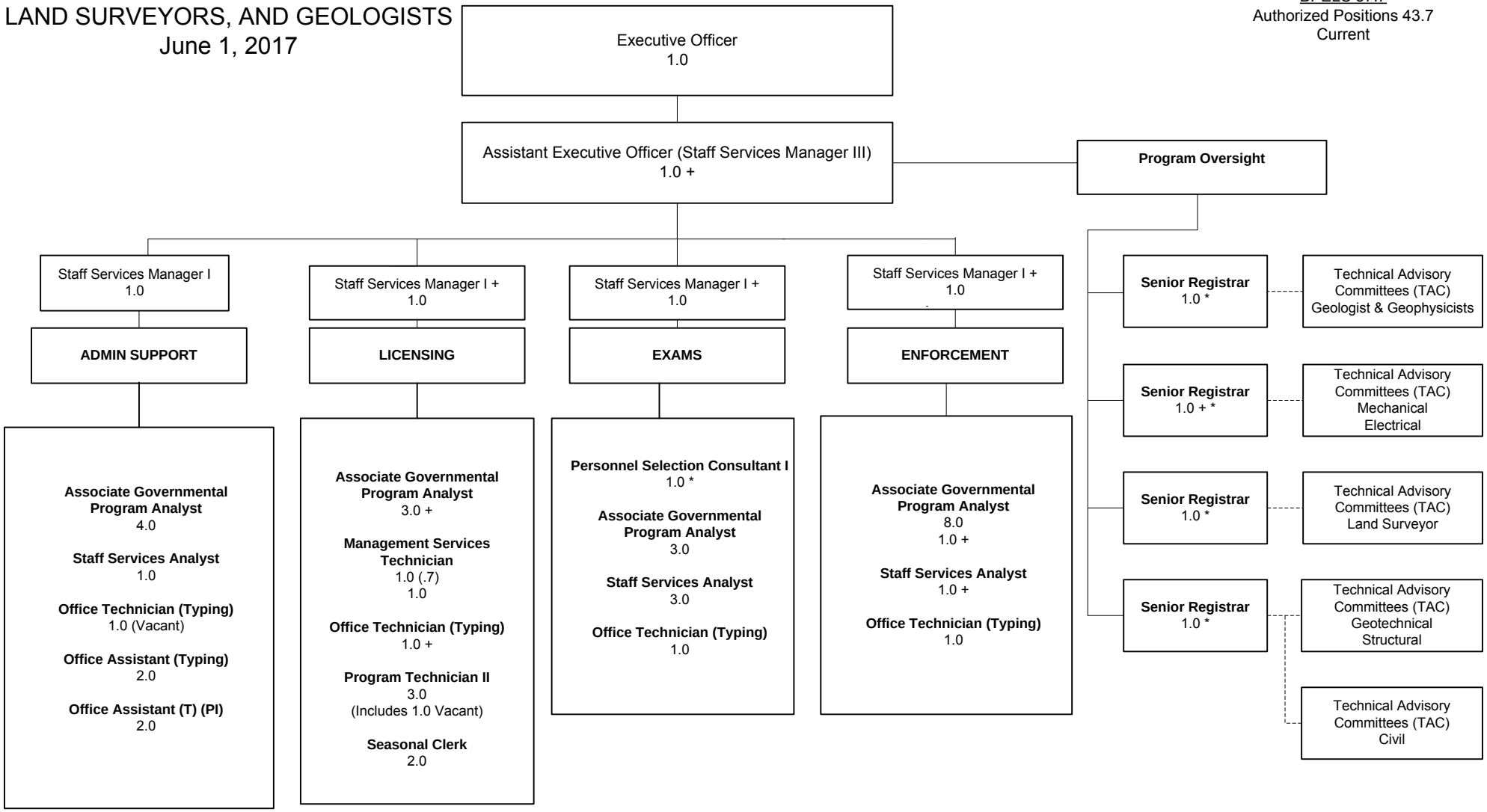
\+ Designated CORI Positions
PI = Permanent Intermittent
.7 = Less than full time

Executive Officer Date

Personnel Analyst Date

Department of Consumer Affairs
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
June 1, 2017

FY 16-17
GG 6
BPELS 37.7
Authorized Positions 43.7
Current



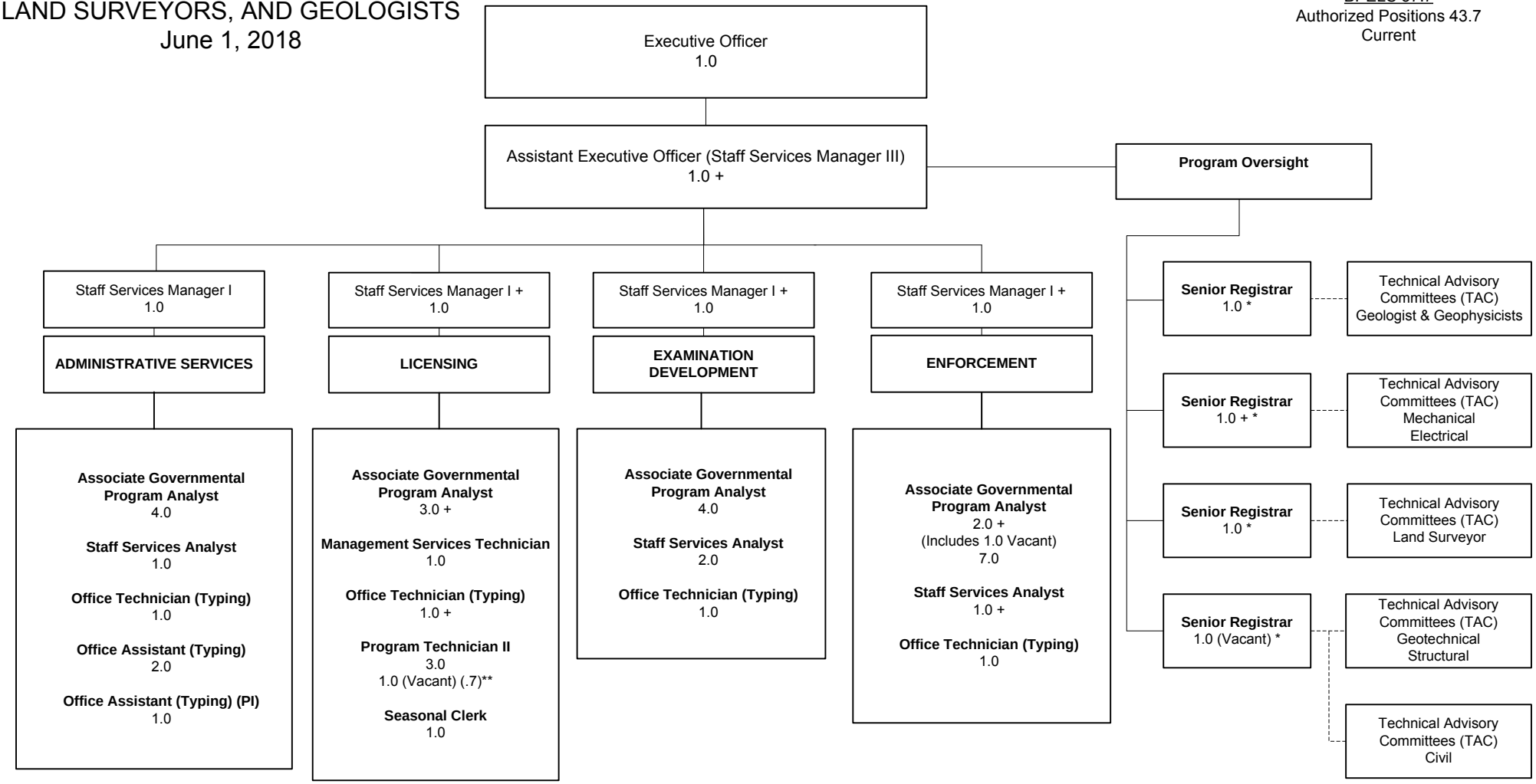
\+ Designated CORI Positions
* Exceptional Allocations
PI = Permanent Intermittent
.7 = Less than full time

Executive Officer Date

Personnel Analyst Date

Department of Consumer Affairs
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
June 1, 2018

FY 17-18
GG 6
BPELS 37.7
Authorized Positions 43.7
Current



\+ Designated CORI Positions
* Exceptional Allocations
** Budget approval for .3 Blanket to fill position FT (FY 17/18)
PI = Permanent Intermittent

Executive Officer Date

Personnel Analyst Date

ATTACHMENT D

2015-2018

Board for Professional Engineers, Land Surveyors, and Geologists

Strategic Plan

Adopted: July 31, 2014

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California Board for Professional Engineers, Land Surveyors, and Geologists

Erik Zinn, P.G., C.E.G., President – Geologist Member

Kathy Jones Irish, Vice President – Public Member

Natalie Alavi, P.E. – Mechanical Engineer Member

Asha Malikh Brooks – Public Member

Diane Hamwi – Public Member

Eric Johnson, P.E. – Electrical Engineer Member

Coby King – Public Member

Philip Quartararo – Public Member

Mohammad Qureshi, Ph.D., P.E. - Traffic Engineer Member

Hong Beom Rhee, Ph.D. – Public Member

Karen E. Roberts, S.E. – Structural Engineer Member

Ray Satorre – Public Member

William "Jerry" Silva – Public Member

Robert Stockton, P.E. – Civil Engineer Member

Patrick J. Tami, P.L.S. – Professional Land Surveyor Member

EDMUND G. BROWN, JR., GOVERNOR

ANNA M. CABALLERO, SECRETARY, BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY

AWET KIDANE, DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS

RICHARD B. MOORE, EXECUTIVE OFFICER, BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Message from the Board President

We are very pleased to present to you with our new strategic plan for 2015-2018. This plan represents the culmination of a huge effort and input by our stakeholders, staff, Board members, and Department of Consumer Affairs (DCA), and represents our revised priorities, goals and the actions essential to achieve those goals.

The timing of the plan couldn't have been better, given the addition of ten new Board members during the last two years. The one-day DCA-facilitated planning workshop, attended by the Board members and staff, was a watershed moment for the Board. We collectively offered experience-based insights and constructively discussed ideas and recommendations for revisions to the plan. Changes, modifications, or new additions were developed by consensus. The collaborative process encouraged each participant to both support and engage in the strategic planning process, and to embrace the plan as a "living document" and support its implementation going forward.

We encourage everyone to reference the strategic plan as we perform our day-to-day duties, as it is an established agreement undergirded by clearly articulated and measurable outcomes and results. And because it is a "living" document, we now have carefully structured a framework to help us assess and adjust our approach and direction as we respond to future changes, both within the Board organization and externally. Further, we have the benefit of our collective understanding and agreement as to the Board's mission, vision, and goals that should support our continued commitment to be public-focused and to implement responsible decision-making, which remains our foremost concern.

Erik Zinn, P.G., C.E.G.
2013-14 Board President

Kathy Jones Irish
2014-15 Board President

About the California Board

The California Legislature created the Board of Registration for Civil Engineers in 1929, following the failure of the St. Francis Dam in northern Los Angeles County. On March 12, 1928, the dam, which was located northeast of Castaic, suddenly gave way. A huge wall of water cascaded down the narrow valley of the Santa Clara River and when the water hit the town of Santa Paula, almost 50 miles downstream, the crest was still 25 feet high. The dam failure unleashed 12 billion gallons of water through the towns of Piru, Fillmore, Santa Paula, and Ventura before it reached the ocean. Lives lost numbered approximately 450; property damage was in the millions of dollars; 1,200 houses were demolished; and 10 bridges washed out. After the flood, inspection revealed that the dam was built on, and anchored to, a weak and faulted rock formation. The Legislature determined that the unregulated design of construction projects constituted a hazard to the public and passed laws to regulate civil engineering and to create the Board.

Although Civil Engineers first became licensed in 1929, Land Surveyors have been licensed in California since 1891 in accordance with an act to establish land surveying that was enacted March 31, 1891. That was the year the Legislature established the State Surveyor General. However, in 1933, the Legislature abolished that office and enacted the Professional Land Surveyors' Act. The Act expanded the Board's authority to include jurisdiction over licensing of land surveyors and regulation of surveying practices. Until then, local governments had been interpreting the laws governing subdivision maps and recordation of parcel boundaries in widely differing ways for many years. Many land surveyors ignored basic legal requirements concerning subdivision maps and survey records. Some counties allowed boundary monuments to be moved or even destroyed. Legal disputes over property boundaries cost the state and the public millions of dollars. Regulation of land surveyors brought about uniform enforcement of survey law and is in the best interests of the state and California consumers.

Over the years, the Board has experienced some major changes under the provisions of the Professional Engineers Act. The number of branches of engineering regulated by the Board has increased, and the status of some of the older branches has changed. When electrical and mechanical engineering were first covered by the registration law in 1947, the law only affected the use of the titles. In 1967, the Act was amended to regulate the practice of those branches, as

well as the titles. In the late 1960s and early 1970s, the Act was also amended to give the Board the right to accept additional branches of engineering into the registration program. The additional categories were for the purpose of regulating the use of the titles of those engineering branches. Between 1972 and 1975, the Board expanded the registration program to include nine additional branches of engineering under its jurisdiction. In 1986, at the Board's request, the authority to create new title registration branches was removed from the Act. In the late 1990s and early 2000s, four of the title registration branches were deregulated.

In 2009, legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors. Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

The Board consists of 15 members (seven licensed members and eight public members) who are appointed to the Board for four-year terms. Each member may serve a maximum of two terms. The seven licensed members and six of the public members are appointed by the Governor. One public member is appointed by the Senate Rules Committee, and one public member is appointed by the Speaker of the Assembly.

2011-2014 Strategic Plan Accomplishments

1	The Board significantly reduced the aging of open investigations over 1 year old from 108 cases to 9 cases during Fiscal Year 2013-14.
2	The Board restructured engineering, land surveying, and geology examination and application fees to provide cost savings to our applicants and licensees.
3	All State-specific examinations were converted to computer-based testing (CBT), and the Board now offers flexible testing dates for these exams.
4	The Board eliminated the 12-14 month backlog of cases awaiting the issuance of Administrative Citations and awaiting referral for formal disciplinary action during Fiscal Year 2012-13.
5	The Board improved the validity of the content and security of examinations by transferring the administration responsibilities for national engineering and surveying examinations to NCEES and converting state examinations to computer-based-testing delivery methods.
6	The Board received legislative authority to fingerprint applicants and obtain criminal history reports with the overall goal of safeguarding the public.
7	The Board continuously identified emerging technologies and established an online presence on multiple social media platforms, including Facebook, Twitter, and LinkedIn, to enhance communication with consumers and licensees.
8	The Board amended regulations to remove appeals of national examinations, thus promoting enhanced exam security.

Mission

We protect the public's safety and property by promoting standards for competence and integrity through licensing and regulating the Board's professions.

Vision

A California that leads the nation in protecting the public and environment with competent and ethical professional services by the Board's licensees.

Values

Integrity
Consumer protection
Fairness
Quality
Customer service

Strategic Goal Areas

1 ***LICENSING***

The Board empowers applicants and licensees with a method for providing services in California to protect consumers.

2 ***APPLICATIONS/EXAMINATIONS***

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

3 ***LAWS AND REGULATIONS***

The Board ensures that statutes, regulations, policies, and procedures strengthen and support their mandate and mission.

4 ***ENFORCEMENT***

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

5 ***OUTREACH***

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

6 ***CUSTOMER SERVICE***

The Board strives to enhance organizational effectiveness and improve the quality of its services.

Goal 1: Licensing

The Board empowers applicants and licensees with a method for providing services in California to protect consumers.

1.1 Identify the minimum curriculum required for a qualifying geological sciences degree.

1.2 Develop fact sheets that describe the legal authority, functions, and benefits for the public for each of the license types regulated by the Board.

1.3 Improve the existing credit card process with the implementation of BreEZe[1].

1.4 Expand credit card transactions to all license types with the implementation of BreEZe.

1.5 Recommend potential methods for enacting continuing education requirements.

1.6 Educate university administrators and students about the importance of licensure.

[1] BreEZe is the new online licensing and enforcement system scheduled to be implemented 2015-16 by Department of Consumer Affairs'.

Goal 2: Applications/Examinations

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

2.1 Work with DCA to increase Board involvement in all aspects of the national exams.

2.2 Increase exam opportunities for candidates.

2.3 Advocate for national exams to include content that measures competency that meets California's needs.

2.4 Evaluate and identify ways to reduce the application process timeframes.

2.5 Explore costs and benefits of considering, if appropriate, withdrawing from national exams and developing California exams.

2.6 Examine the appropriateness of current education / experience requirements for licensure.

Goal 3: Laws and Regulations

The Board ensures that statutes, regulations, policies, and procedures strengthen and support their mandate and mission.

3.1 Establish a legislative and regulatory work group of two Board members and staff and provide a written report at Board meetings.

3.2 Determine if changes to legislation or regulations are needed due to emerging technologies and industry practices.

3.3 Pro-actively clarify conflicting laws and regulations.

3.4 Seek legislation to merge the Geology/Geophysics fund with Engineers/Land Surveyors fund.

Goal 4: Enforcement

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

4.1 Leverage collaborative relationships to encourage a reduction in cycle times at the Office of Administrative Hearings, Division of Investigation, and Attorney General's Office.

4.2 Analyze and determine reasonable time frames and develop a benchmark/expectation for each step in the investigation.

4.3 Reduce complaint investigation cycle times to under 180 calendar days.

4.4 Research the feasibility of adding a legal requirement that licensees respond to Board investigative inquiries within a specified period of time.

4.5 Reduce formal disciplinary action process to a target of 540 calendar days.

4.6 Improve the technical expert consultant selection process, training, and compensation to enhance quality and quantity.

Goal 5: Outreach

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

5.1 Develop a multi-phase stakeholder outreach plan.

5.2 Communicate enforcement actions on an ongoing basis on the website as soon as feasible.

5.3 Produce a newsletter on a quarterly basis that includes enforcement actions.

5.4 Encourage DCA and Agency to approve speaking and/or participating in conferences and other public and/or licensee outreach events.

5.5 Expand the Board's social media presence.

5.6 Proactively educate stakeholders to prevent violations.

Goal 6: Customer Service

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

6.1 Provide Board-specific training for new Board members in addition to DCA's Board Member Orientation Training.

6.2 Enhance customer service by providing training for staff.

6.3 Implement a plan to improve internal collaboration.

6.4 Issue licenses on environmentally friendly wallet-sized cards in addition to current paper license.

6.5 Educate the public about the steps and timing in the enforcement process.

Strategic Planning Process

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of engineers, land surveyors, geologists, and geophysicists; professional associations; California colleges; and others who expressed interest in the strategic direction of the Board. The online survey received 1,202 responses.
- Telephone interviews with Board members in April 2014.
- Two focus group discussions with Board staff in April 2014.
- A manager focus group in April 2014.
- An interview with the Executive Officer and Assistant Executive Officer in May 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on June 5, 2014. This information guided the Board in the development of its mission, vision, and values, while directing the strategic goals and objectives outlined in this 2015 – 2018 strategic plan.

CALIFORNIA BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833-2944
(916) 263-2222
www.bpelsg.ca.gov

Prepared by:

solid planning solutions

Department of Consumer Affairs
1747 N. Market Blvd., Suite 270
Sacramento, CA 95834

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for BPELSG in April and May 2014. Subsequent amendments may have been made after Board adoption of this plan.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

Strategic Plan

Board for Professional Engineers, Land Surveyors, and Geologists

Updated Plan Adopted: July 27, 2017

Original Plan Adopted: July 31, 2014

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Goal 3: Laws and Regulations *14*
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Goal 6: Customer Service *16*

California Board for Professional Engineers, Land Surveyors, and Geologists

Members of the Board as of July 27, 2017

Natalie Alavi, P.E. – Mechanical Engineer Member

Fel Amistad, Ph.D. – Public Member

Kathy Jones Irish – Public Member

Asha M. B. Lang – Public Member

Eric Johnson, P.E. – Electrical Engineer Member

Coby King – Public Member

Betsy Mathieson, P.G., C.E.G. – Geologist Member

Mohammad Qureshi, Ph.D., P.E. – Traffic Engineer Member

Karen E. Roberts, S.E. – Structural Engineer Member

William "Jerry" Silva – Public Member

Robert Stockton, P.E. – Civil Engineer Member

Steven Wilson, P.L.S. – Professional Land Surveyor Member

EDMUND G. BROWN, JR., GOVERNOR
ALEXIS PODESTA, SECRETARY, BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY
DEAN R. GRAFILO, DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS
RICHARD B. MOORE, EXECUTIVE OFFICER, BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
NANCY A. EISSLER, ASSISTANT EXECUTIVE OFFICER, BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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The Board consists of 15 members (seven licensed members and eight public members) who are appointed to the Board for four-year terms. Each member may serve a maximum of two full four-year terms. The seven licensed members and six of the public members are appointed by the Governor. One public member is appointed by the Senate Rules Committee, and one public member is appointed by the Speaker of the Assembly. The seven licensed members represent various branches of engineering (civil, electrical, mechanical, structural, and any other branch), land surveying, and geology or geophysics. One licensed member must be an employee of a State agency, and another license member must be an employee of a local government agency.

Strategic Planning Process

2014 Strategic Plan Original Adoption Process

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of engineers, land surveyors, geologists, and geophysicists; professional associations; California colleges; and others who expressed interest in the strategic direction of the Board. The online survey received 1,202 responses.
- Telephone interviews with Board members in April 2014.
- Two focus group discussions with Board staff in April 2014.
- A manager focus group in April 2014.
- An interview with the Executive Officer and the Assistant Executive Officer in May 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on June 5, 2014. This information guided the Board in the development of its mission, vision, and values, while directing the strategic goals and objectives outlined in the 2015-2018 strategic plan, which was adopted by the Board at its July 31, 2014, meeting.

2017 Strategic Plan Revision Process

The Board views the strategic plan as a living document to be updated and revised as existing objectives are completed and new objectives are needed. To accomplish the first update of its strategic plan, the Board participated in another strategic planning session facilitated by SOLID on April 20, 2017. During this session, the Board discussed the original objectives and classified them into three categories:

- Completed – the objective has been achieved.

- Implemented – the objective has been realized and has become part of the ordinary work of the Board and its staff.
- On-going – work on the objective is still in progress.

The Board chose to revise some of the on-going objectives to better reflect the intent and purpose, as well as adding new objectives. The completed and implemented objectives have been removed from the Goals and Objectives listings and placed under Strategic Plan Accomplishments, with an indication of the year of completion or implementation.

The updated strategic plan was adopted by the Board at its July 27, 2017, meeting.

Mission

We protect the public's safety and property by promoting standards for competence and integrity by licensing and regulating the Board's professions.

Vision

A California that leads the nation in protecting the public and environment with competent and ethical professional services by the Board's licensees.

Values

Integrity
Consumer protection
Fairness
Quality
Customer service

Strategic Goal Areas

1 ***LICENSING***

The Board provides applicants and licensees a method for providing services in California to protect consumers.

---

2 ***APPLICATIONS/EXAMINATIONS***

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

---

3 ***LAWS AND REGULATIONS***

The Board ensures that statutes, regulations, policies, and procedures strengthen and support its mandate and mission.

---

4 ***ENFORCEMENT***

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

---

5 ***OUTREACH***

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

---

6 ***CUSTOMER SERVICE***

The Board strives to enhance organizational effectiveness and improve the quality of its services.

2015-2017 Strategic Plan Accomplishments

1.1 – Identify the minimum curriculum required for a qualifying geological sciences degree.	Completed 2017 Board approved proposed regulatory language to begin rulemaking process.
1.4 – Expand credit card transactions to all license types with the implementation of BreEZe.	Completed 2016 Credit card payments for renewals expanded to include all geologist and geophysicist licenses.
1.5 – Recommend potential methods for enacting continuing education requirements.	Completed 2015 Legislation enacted to require completion of online assessment by licensees.
2.1 – Work with DCA to increase Board involvement in all aspects of the national exams.	Implemented 2015
2.2 – Increase exam opportunities for candidates.	Implemented 2015
2.4 – Evaluate and identify ways to reduce the application process timeframes.	Completed and Implemented 2016 Evaluation and identification completed Identified methods, with periodic reevaluation, implemented.
2.5 – Explore costs and benefits of considering, if appropriate, withdrawing from national exams and developing California exams.	Completed 2015 Report of costs to develop and administer exams for all engineering disciplines presented to Board.
2.6 – Examine the appropriateness of current education/experience requirements for licensure.	Completed and Implemented 2017 Rulemaking process begun to update and clarify geological education requirements and land surveying experience requirements. Staff monitors NCEES, other states, and professional associations for any actions or discussions on these topics and reports to the Board as needed.
3.1 – Establish a legislative and regulatory work group of two Board members and staff and provide a written report at Board meetings.	Implemented 2015

3.4 – Seek legislation to merge the Geology/Geophysics fund with Engineers/Land Surveyors fund.	Completed 2016 Funds merged effective July 1, 2016.
4.1 – Leverage collaborative relationships to encourage a reduction in cycle times at the Office of Administrative Hearings, Division of Investigation, and Attorney General's Office.	Implemented 2016
4.2 – Analyze and determine reasonable time frames and develop a benchmark/expectation for each step in the investigation.	Completed and Implemented 2015 Analysis completed Time frames and benchmarks/expectations implemented.
4.4 – Research the feasibility of adding a legal requirement that licensees respond to Board investigative inquiries within a specified period of time.	Completed 2016 Legislation enacted to require licensees who are the subject of an investigation to respond.
5.1 – Develop a multi-phase stakeholder outreach plan.	Completed 2015
5.3 – Produce a newsletter on a quarterly basis that includes enforcement actions.	Implemented 2015
5.4 – Encourage DCA and Agency to approve speaking and/or participating in conferences and other public and/or licensee outreach events.	Completed 2015
5.6 – Proactively educate stakeholders to prevent violations.	Implemented 2016
6.2 – Enhance customer service by providing training for staff.	Implemented 2016
6.3 – Implement a plan to improve internal collaboration.	Implemented 2016

6.4 – Issue licenses on environmentally friendly wallet-sized cards in addition to current paper license.	Implemented 2016
6.5 – Educate the public about the steps and timing in the enforcement process.	Implemented 2016

Goals and Objectives

Goal 1: Licensing

The Board provides applicants and licensees a method for providing services in California to protect consumers.

1.1 Develop and implement an integrated licensing and enforcement case management system.

This new objective was added to reflect the Board's intent to address the need for a new licensing/enforcement system is a high priority.

1.2 Monitor and evaluate the impact of emerging technologies on the professions.

This new objective was added to reflect the need for on-going awareness of emerging technologies and the impact they could have on the professions and how the Board's licensees provide their services to consumers.

Goal 2: Applications/Examinations

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

2.1 Monitor and report annually whether national exams continue to meet California's licensing requirements.

This objective was modified to better illustrate the importance of on-going review of the national exams used by the Board to ensure applicants are qualified for licensure in California.

Goal 3: Laws and Regulations

The Board ensures that statutes, regulations, policies, and procedures strengthen and support its mandate and mission.

3.1 Monitor and evaluate whether changes to legislation or regulations are needed due to emerging technologies and industry practices.

This objective was reworded for clarity.

3.2 Proactively monitor and clarify as needed laws and regulations.

This objective was reworded for to illustrate that the Board monitors its laws and regulations and acts to clarify any that may need clarification.

Goal 4: Enforcement

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

4.1 Maintain complaint investigation cycle times under 180 calendar days.

This objective was modified because the objective to reduce the investigation cycles times to under 180 calendar days has been achieved; the Board is now expressing the objective to maintain that cycle time.

4.2 Reduce formal disciplinary action process cycle times to the DCA-established time period of 540 calendar days.

This objective was modified to clarify that the objective is to reduce the cycle time and that the time period has been established by DCA.

4.3 Improve the technical expert consultant selection process, training, and compensation to enhance quality and quantity.

Goal 5: Outreach

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

5.1 Communicate enforcement actions on an ongoing basis on the Board website as soon as feasible.

5.2 Maintain and expand as necessary the Board's social media presence.

This objective was modified to clarify that the Board has expanded its social media presence as originally stated and that it intends to continue to expand as needed while maintaining its existing presence.

5.3 Report annually to the Board the steps taken to educate university administrators and students about the importance of licensure.

This objective was modified because the Board expressed the desire for staff to report their actions and progress in educating university administrators and students about the importance of licensure on an ongoing basis. This objective was moved from Goal #1 because it pertains more to Outreach than to Licensing.

Goal 6: Customer Service

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

6.1 Provide Board-specific training for new and existing Board members in addition to DCA's Board Member Orientation Training.

This objective was modified to reflect that existing Board members also benefit from Board-specific training and that such training should be provided on an on-going basis.

6.2 Implement a payment system that can process all transaction types for any payments to the Board.

This objective was moved from Goal #1 because it pertains to Customer Service more than Licensing.

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Strategic Planning Facilitated by:

Department of Consumer Affairs
1747 N. Market Blvd., Suite 270
Sacramento, CA 95834

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for BPELSG in April and May 2014 and in April 2017.

ATTACHMENT E

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

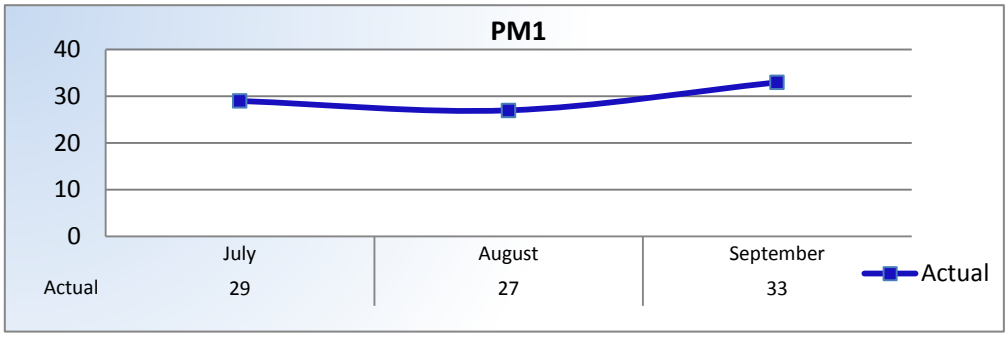
Performance Measures

Q1 Report *(July - September 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

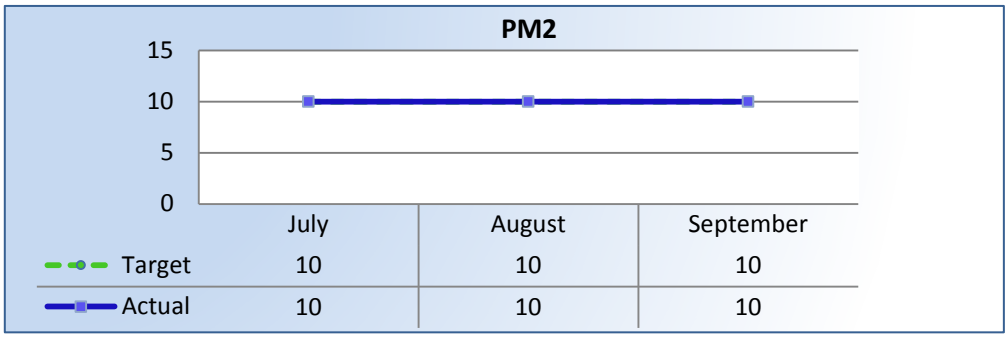


Total Received: 89 Monthly Average: 30

Complaints: 89 | **Convictions**: 0

PM2 | Intake

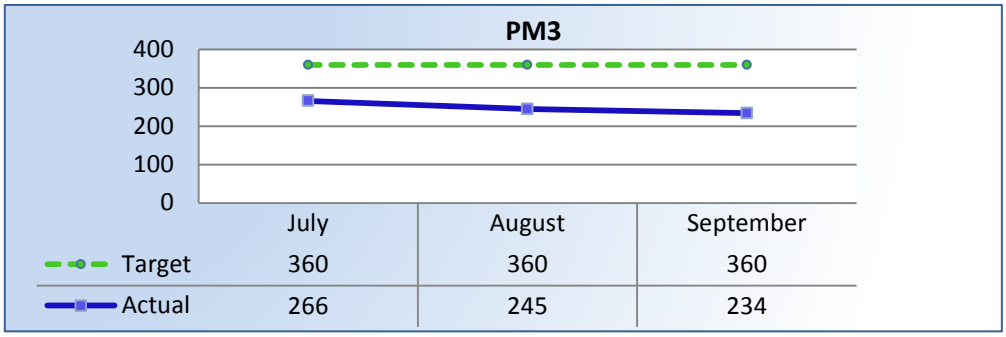
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 10 Days

PM3 | Intake & Investigation

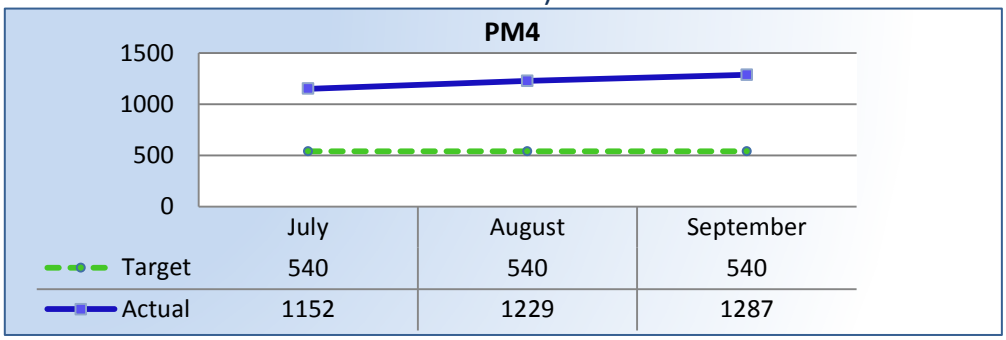
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | **Actual Average:** 249 Days

PM4 | Formal Discipline

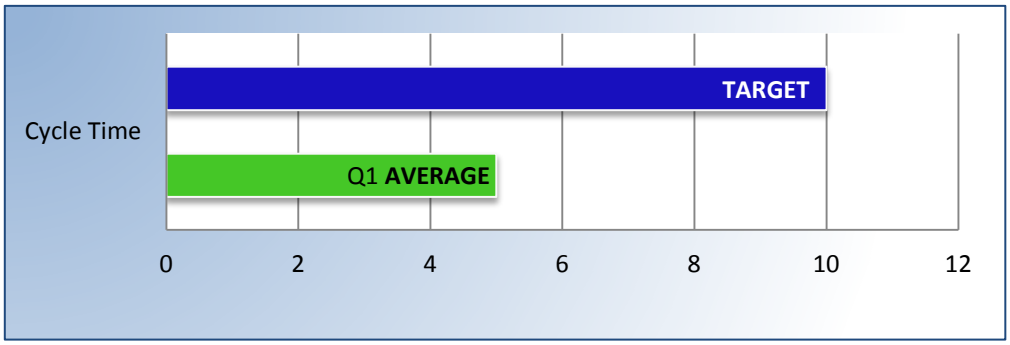
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 1,225 Days

PM7 |Probation Intake

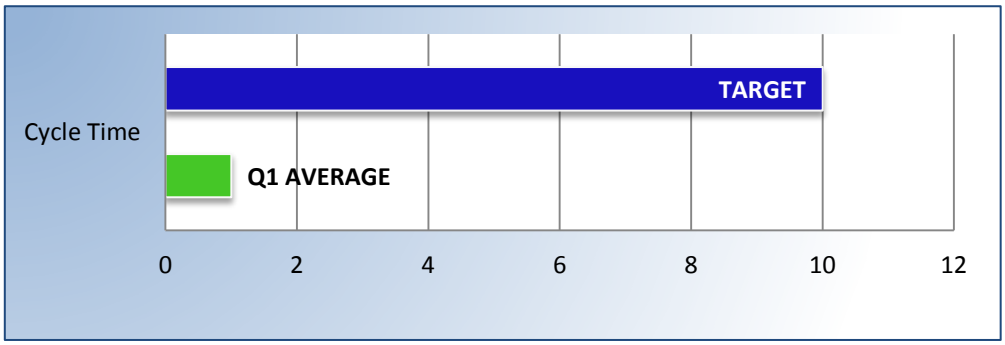
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 5 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

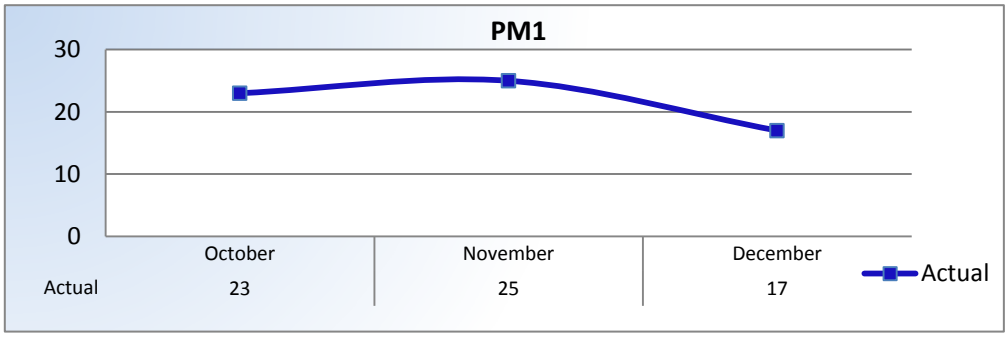
Performance Measures

Q2 Report *(October - December 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

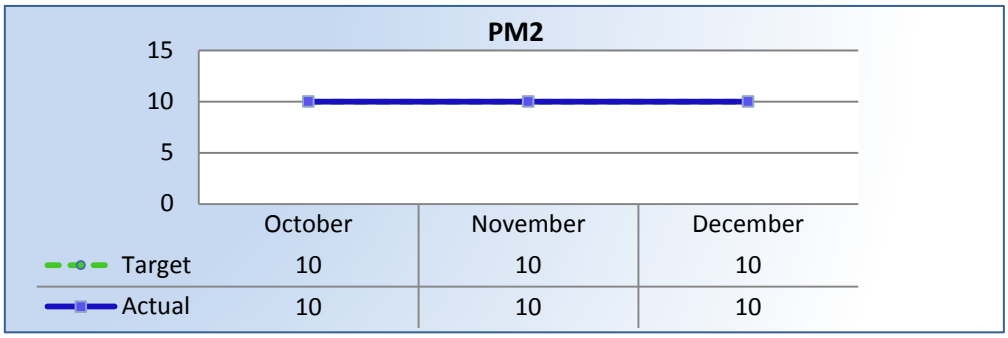


Total Received: 65 Monthly Average: 22

Complaints: 65 | **Convictions**: 0

PM2 | Intake

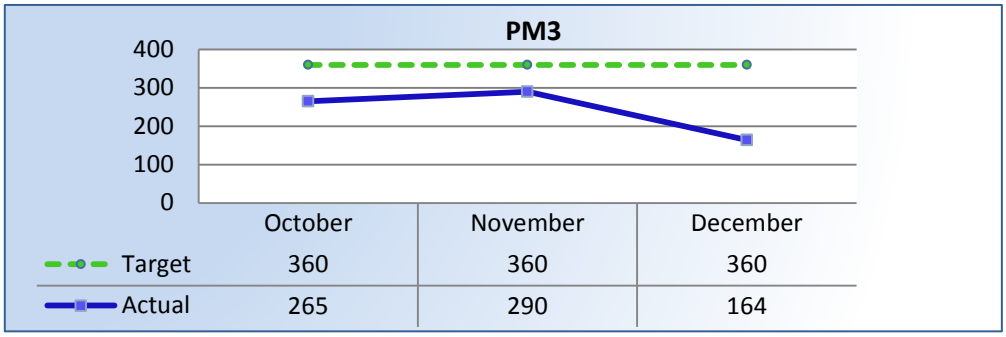
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 10 Days

PM3 | Intake & Investigation

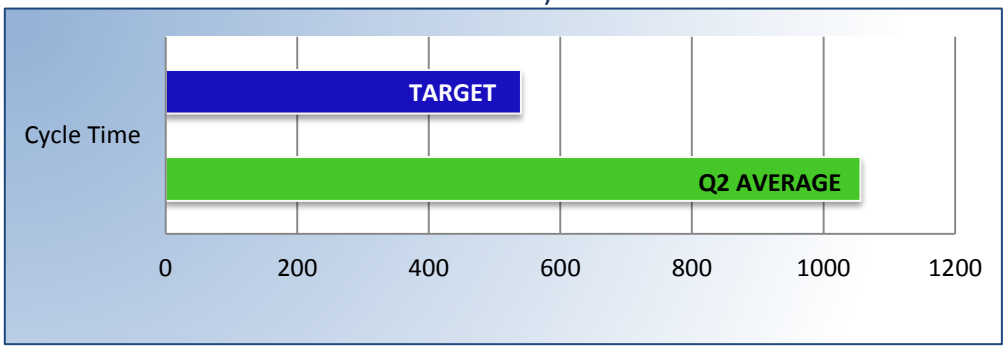
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | **Actual Average:** 266 Days

PM4 | Formal Discipline

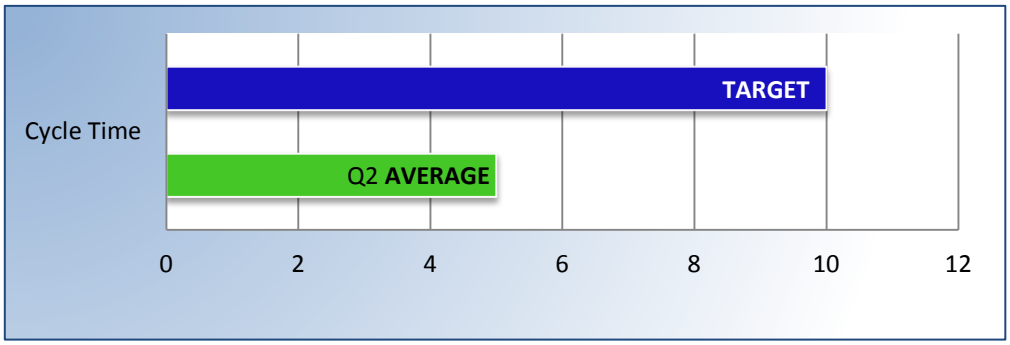
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 1,056 Days

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 5 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

There were no probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

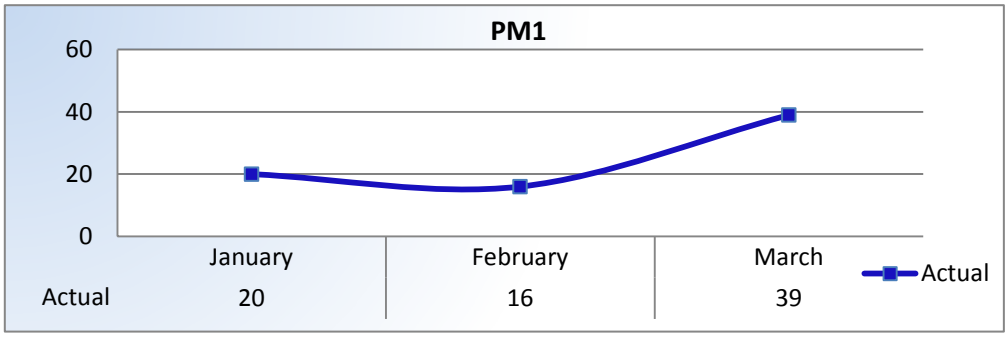
Performance Measures

Q3 Report *(January - March 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

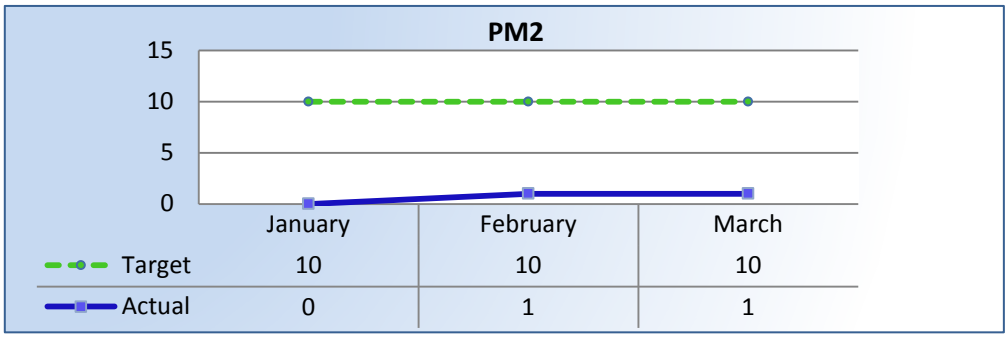


Total Received: 75 Monthly Average: 25

Complaints: 75 | **Convictions**: 0

PM2 | Intake

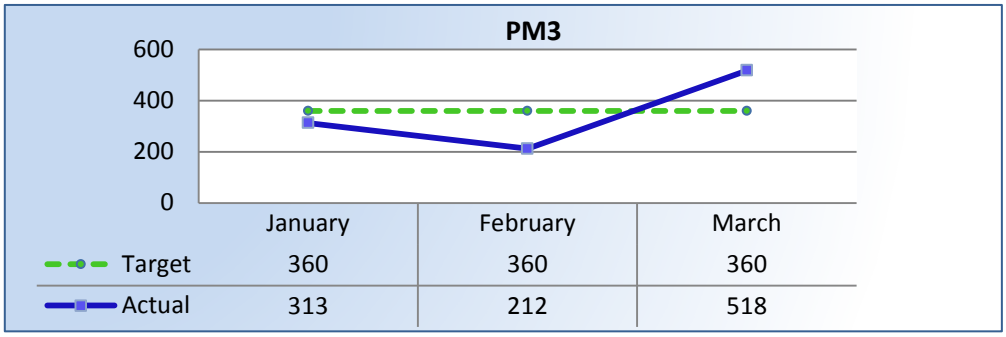
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



	January	February	March
Target	360	360	360
Actual	313	212	518

Target Average: 360 Days | **Actual Average:** 344 Days

PM4 | Formal Discipline

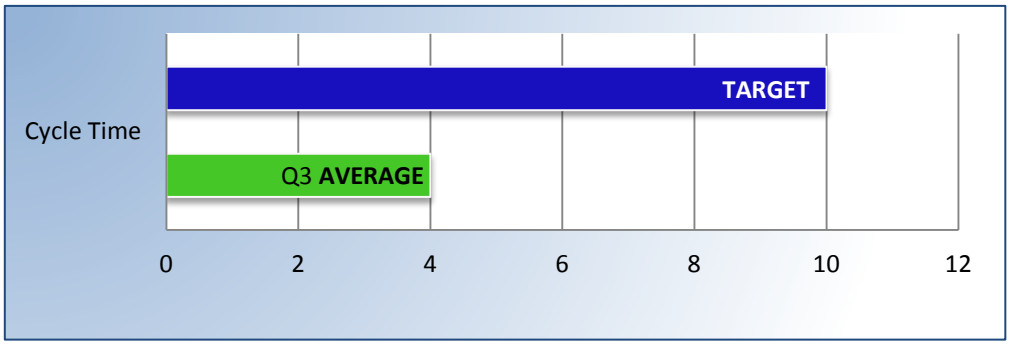
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

The Board did not have any cases that resulted in formal discipline this quarter.

Target Average: 540 Days | **Actual Average:** N/A

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 4 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any new probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

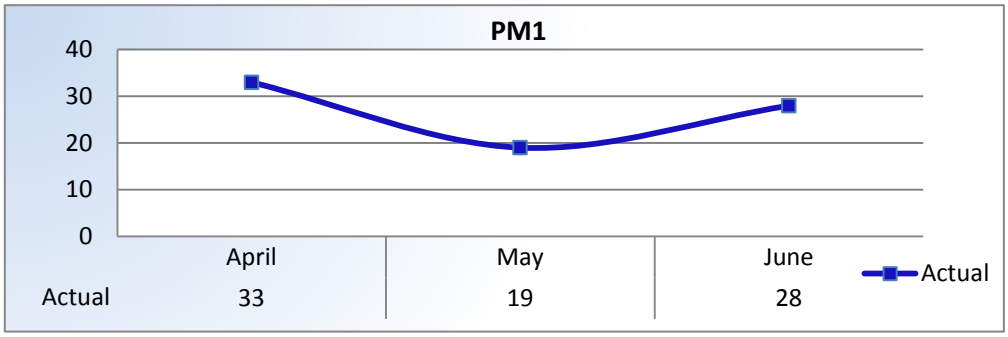
Performance Measures

Q4 Report *(April - June 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

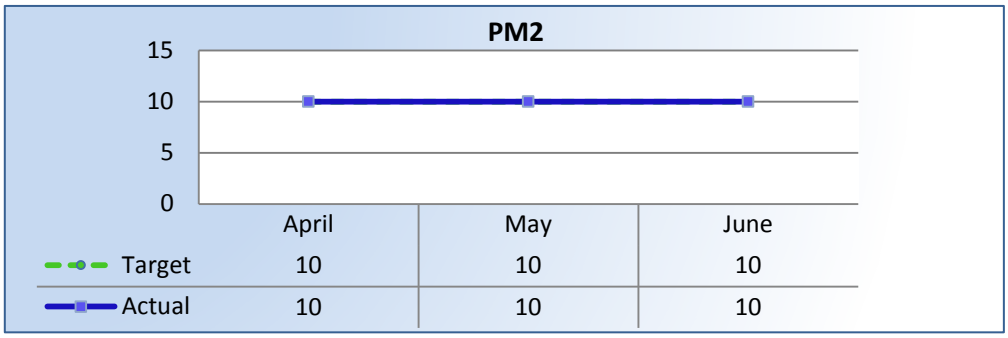


Total Received: 80 Monthly Average: 27

Complaints: 80 | **Convictions**: 0

PM2 | Intake

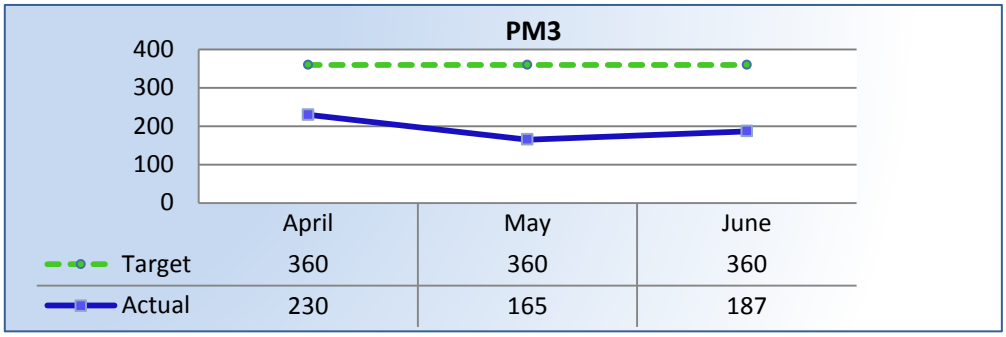
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 10 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

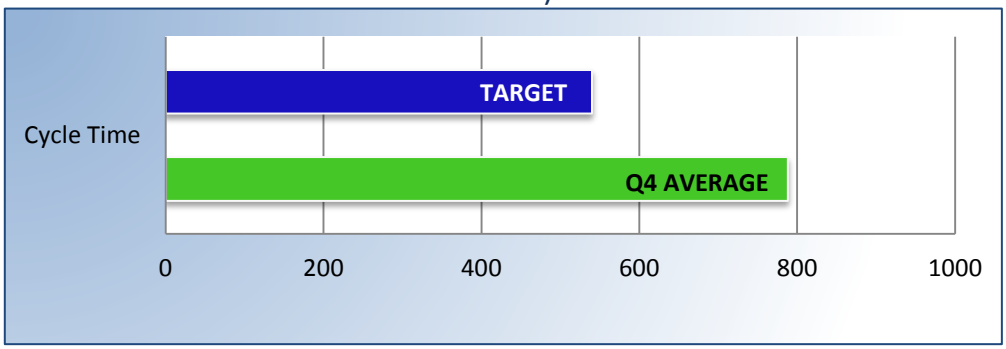


	April	May	June
Target	360	360	360
Actual	230	165	187

Target Average: 360 Days | **Actual Average:** 200 Days

PM4 | Formal Discipline

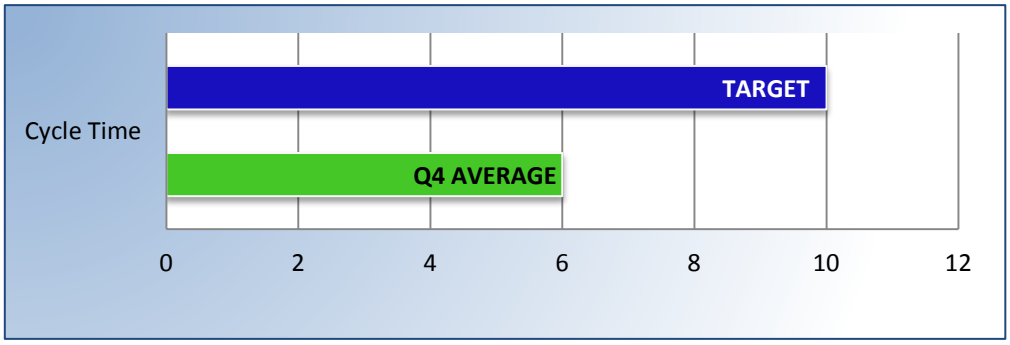
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 788 Days

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 6 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any new probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

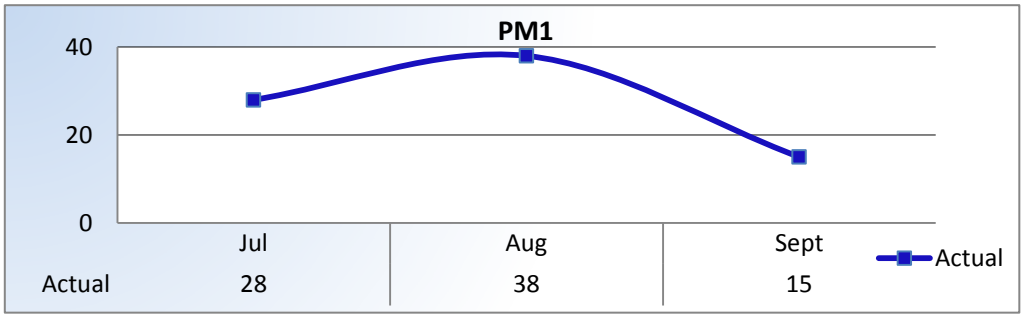
Performance Measures

Q1 Report *(July - September 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

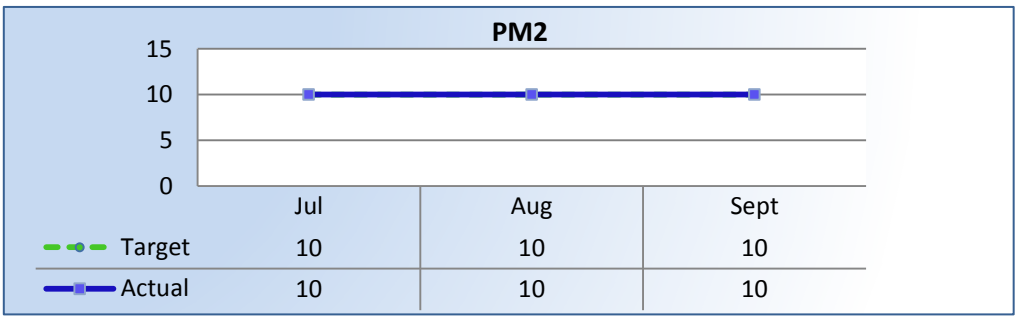


Total Received: 81 **Monthly Average**: 27

Complaints: 81 | **Convictions**: 0

PM2 | Intake

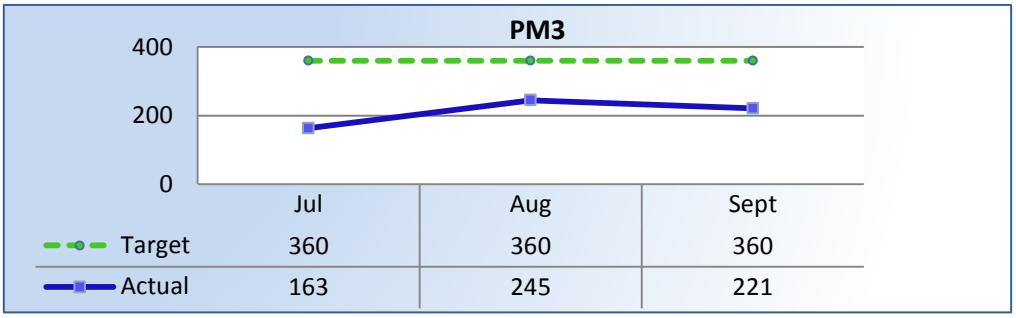
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 10 Days

PM3 | Intake & Investigation

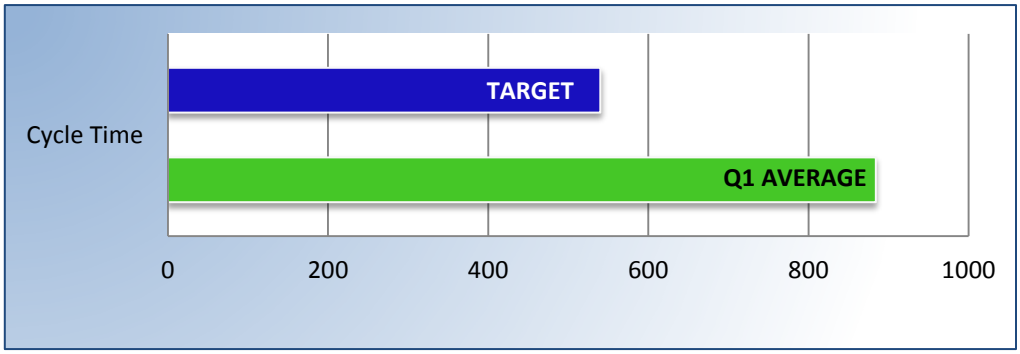
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | **Actual Average:** 210 Days

PM4 | Formal Discipline

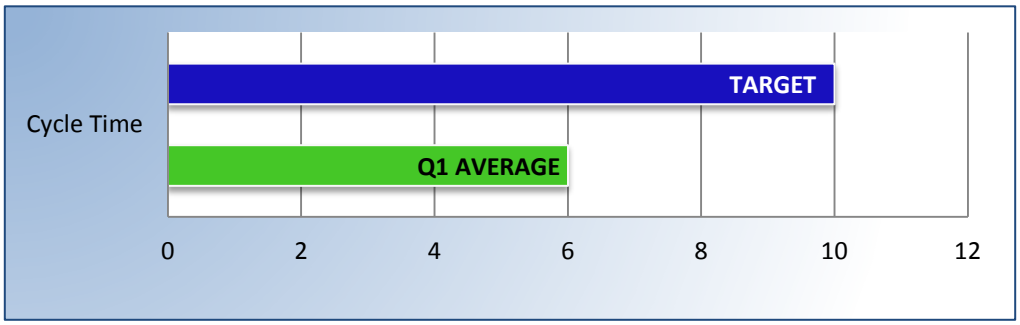
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 884 Days

PM7 |Probation Intake

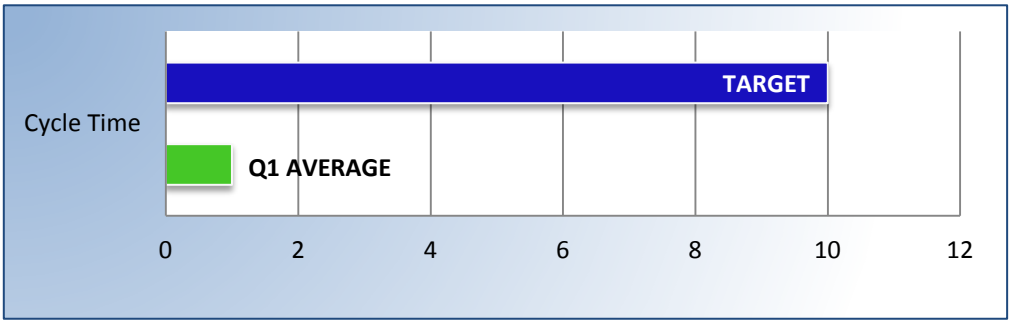
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 6 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

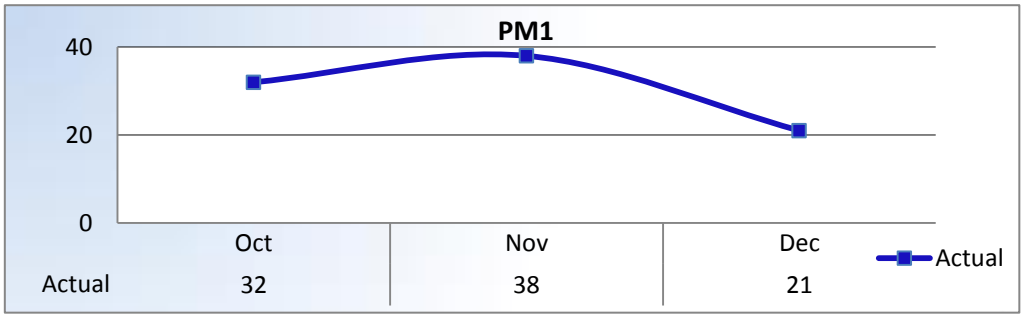
Performance Measures

Q2 Report *(October - December 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

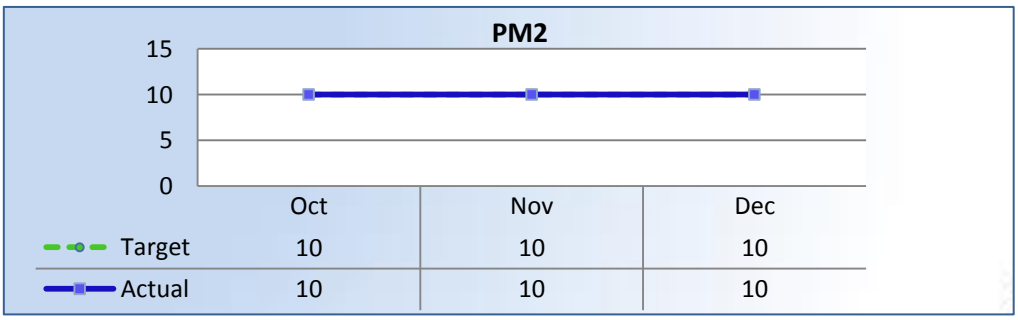


Total Received: 91 **Monthly Average**: 30

Complaints: 91 | **Convictions**: 0

PM2 | Intake

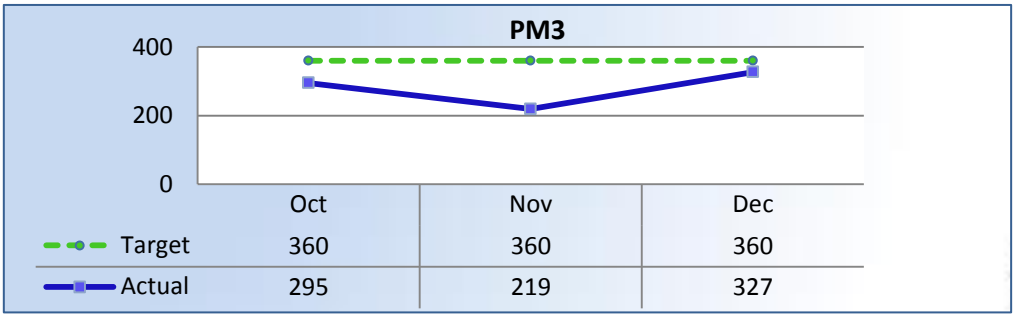
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 10 Days

PM3 | Intake & Investigation

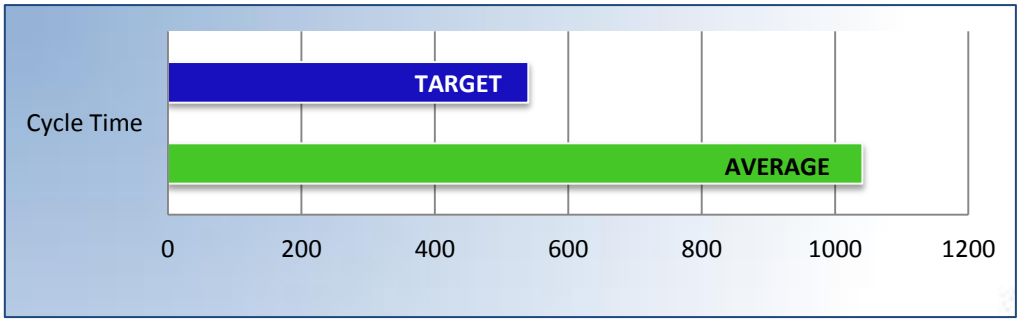
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | **Actual Average:** 276 Days

PM4 | Formal Discipline

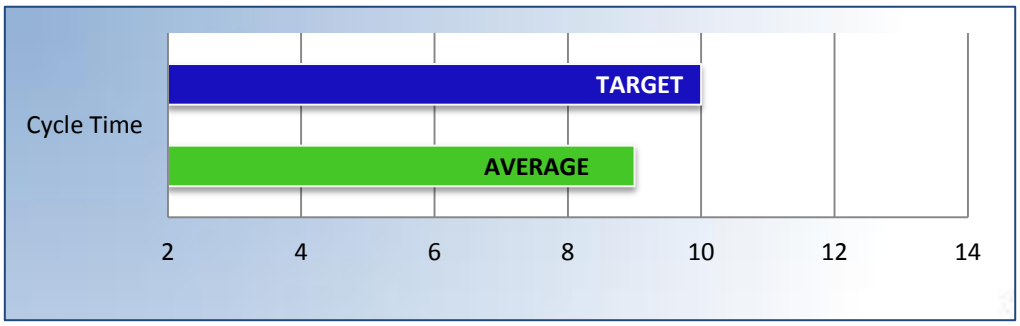
Average number of days to complete the entire enforcement process for cases resulting in formal discipline.
(Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 1,041 Days

PM7 |Probation Intake

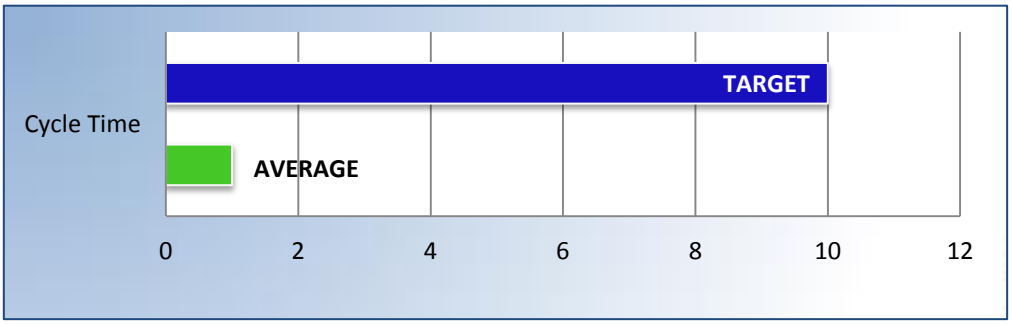
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 9 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

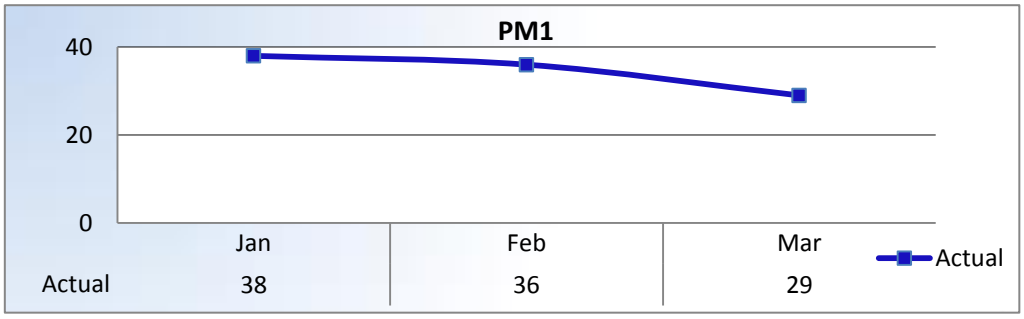
Performance Measures

Q3 Report *(January – March 2016)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

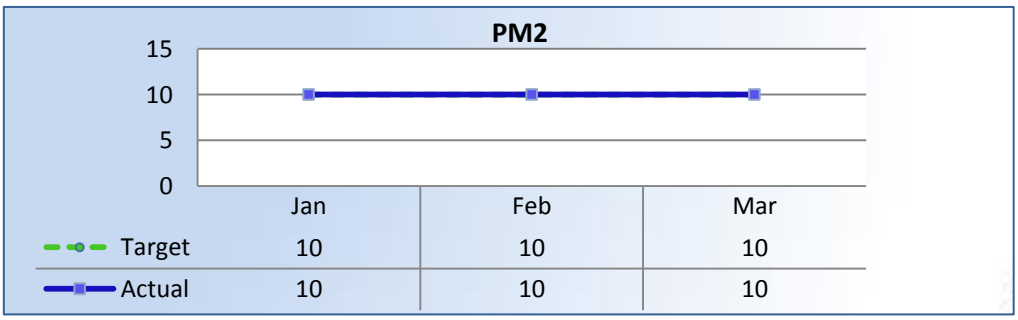


Total Received: 103 **Monthly Average**: 52

Complaints: 103 | **Convictions**: 0

PM2 | Intake

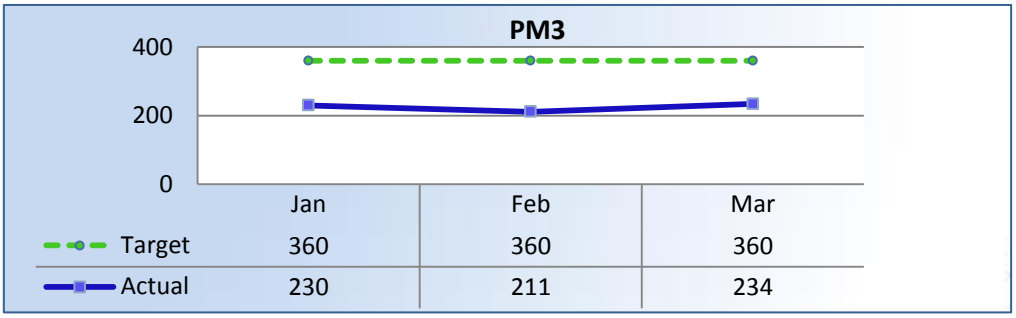
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 10 Days

PM3 | Intake & Investigation

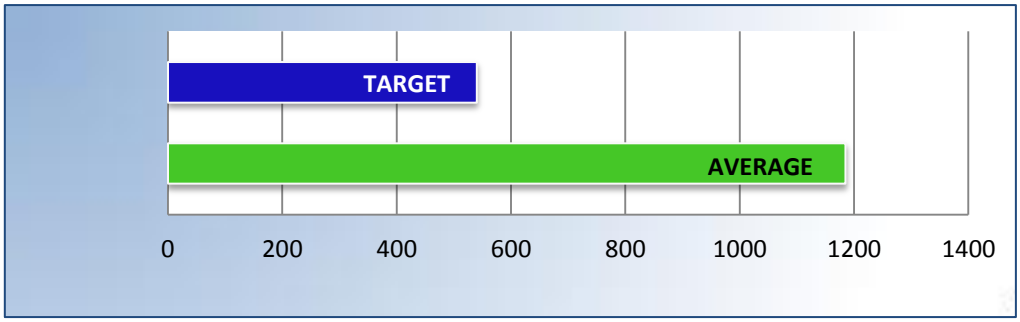
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | **Actual Average:** 227 Days

PM4 | Formal Discipline

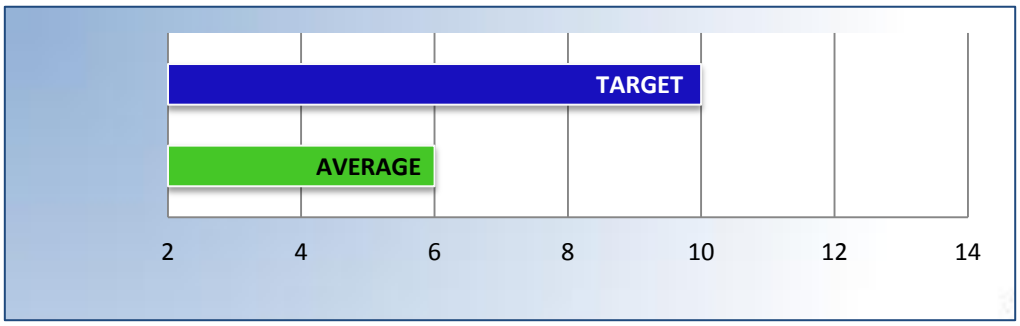
Average number of days to complete the entire enforcement process for cases resulting in formal discipline.
(Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 1,185 Days

PM7 |Probation Intake

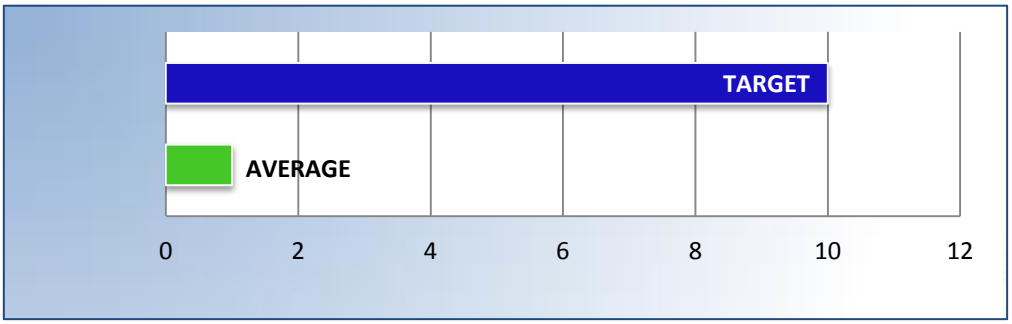
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 6 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

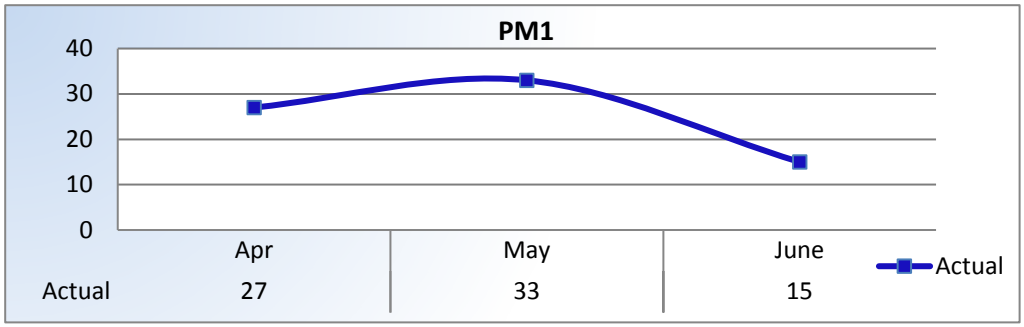
Performance Measures

Q4 Report *(April - June 2016)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

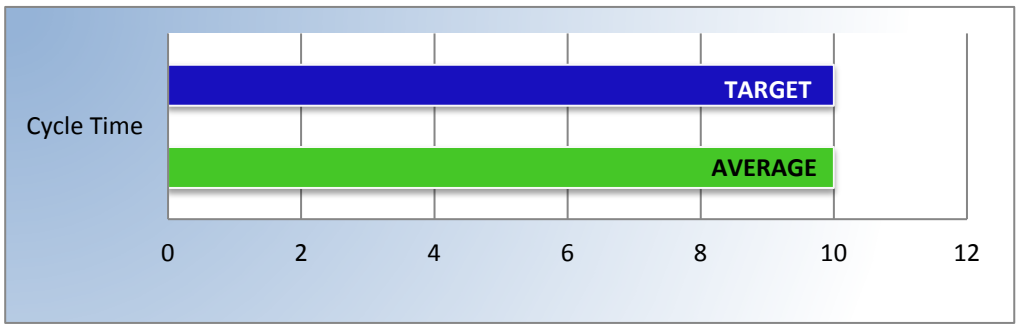


Total Received: 75 **Monthly Average**: 38

Complaints: 75 | **Convictions**: 0

PM2 | Intake

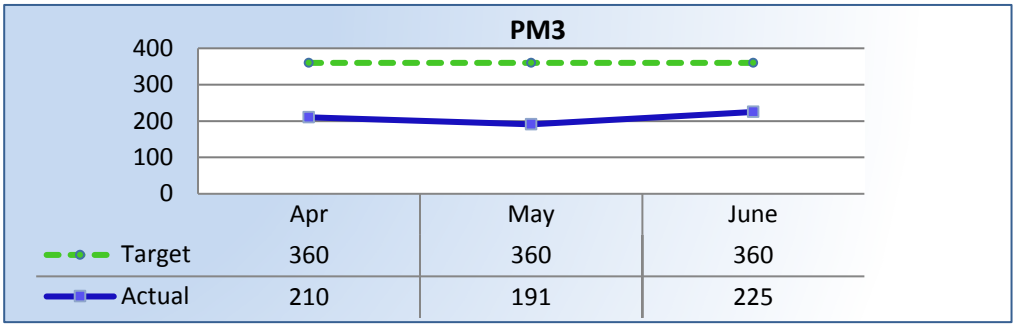
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 10 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

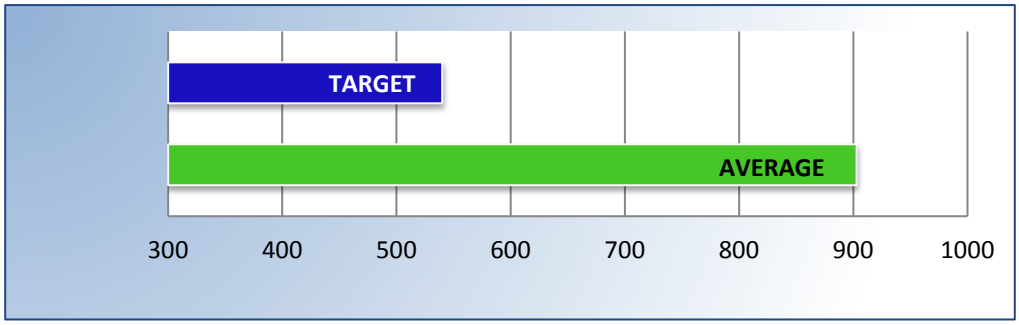


	Apr	May	June
Target	360	360	360
Actual	210	191	225

Target Average: 360 Days | **Actual Average:** 207 Days

PM4 | Formal Discipline

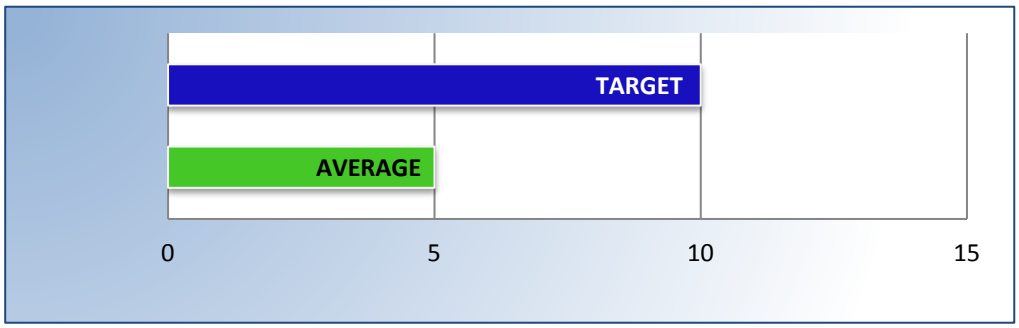
Average number of days to complete the entire enforcement process for cases resulting in formal discipline.
(Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 903 Days

PM7 |Probation Intake

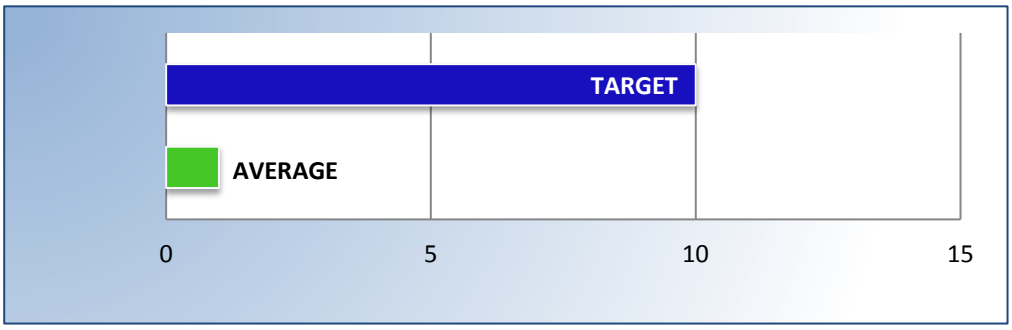
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 5 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

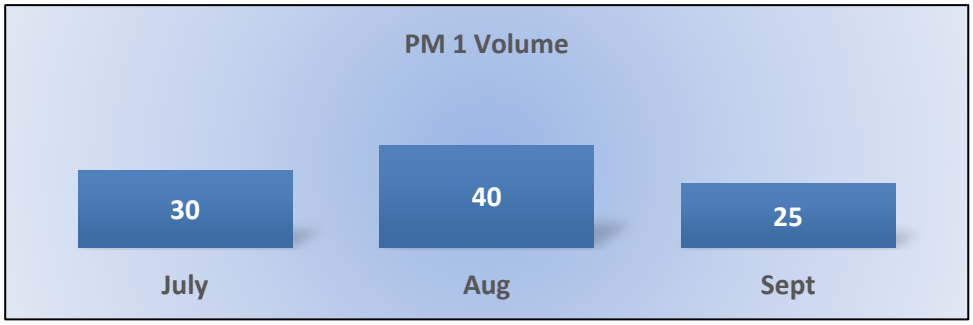
Enforcement Performance Measures

Q1 Report *(July - September 2016)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

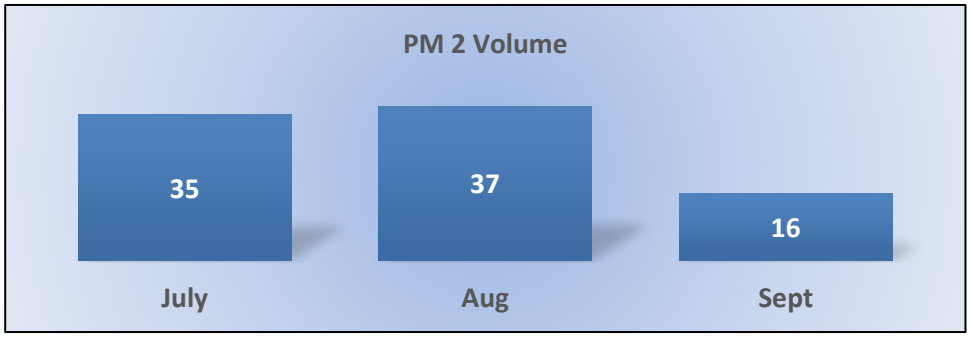


Total Received: 95 | **Monthly Average**: 48

Complaints: 95 | **Convictions**: 0

PM2 | Intake – Volume

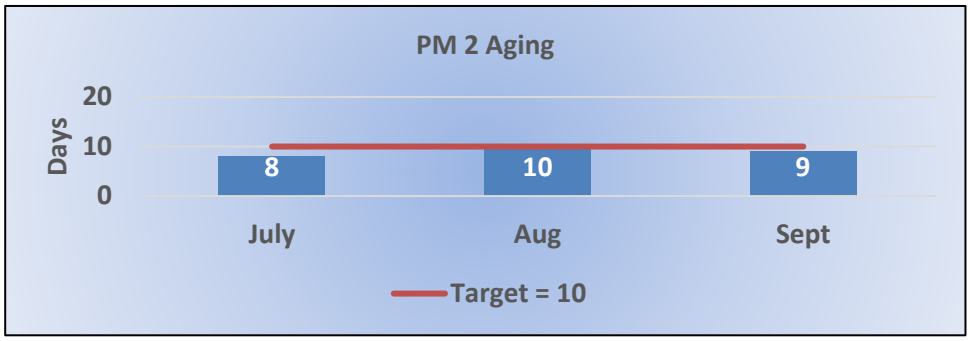
Number of complaints closed or assigned to an investigator.



Total: 88 | **Monthly Average:** 29

PM2 | Intake – Cycle Time

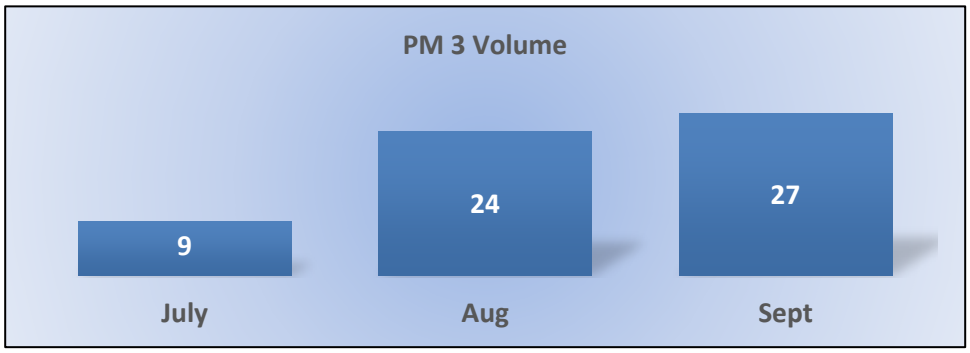
Average number of days from complaint receipt,
to the date the complaint was closed or assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 9 Days

PM3 | Investigations – Volume

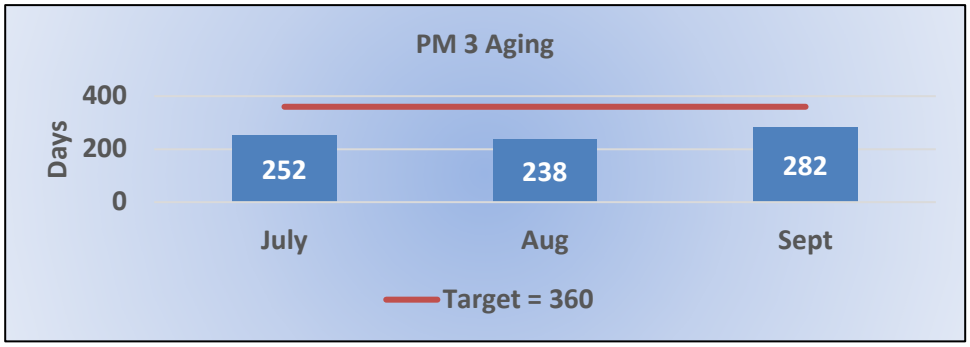
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 60| **Monthly Average:** 20

PM3 | Investigations – Cycle Time

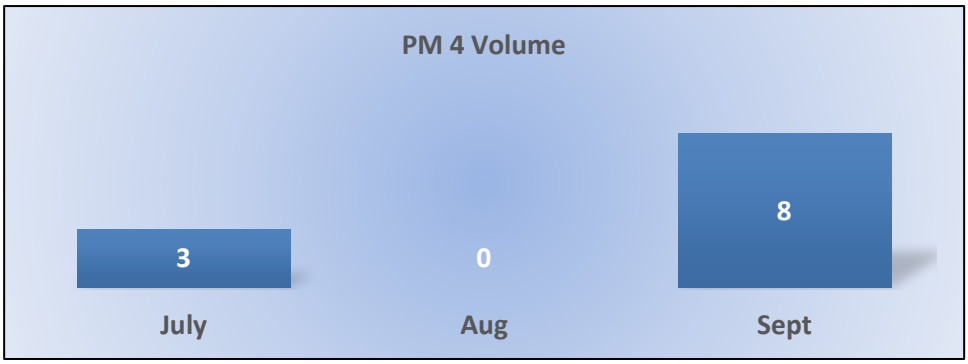
Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation)



Target Average: 360 Days | **Actual Average:** 260 Days

PM4 | Formal Discipline – Volume

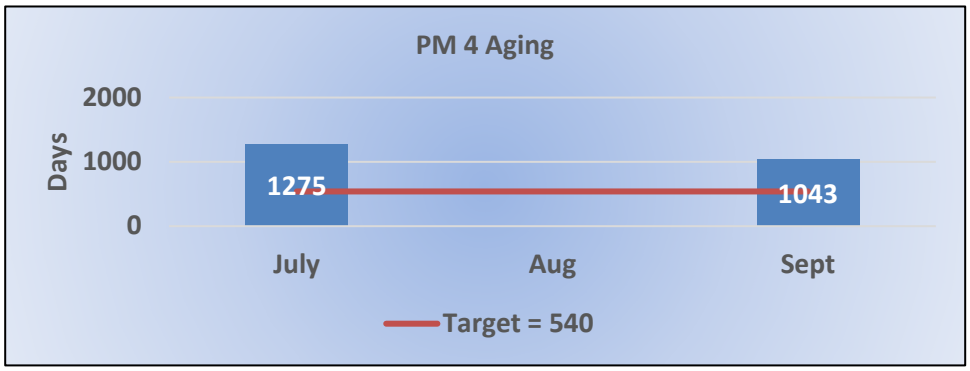
Cases closed, of those transmitted to the Attorney General.



Total: 11| **Monthly Average:** 4

PM4 | Formal Discipline – Cycle Time

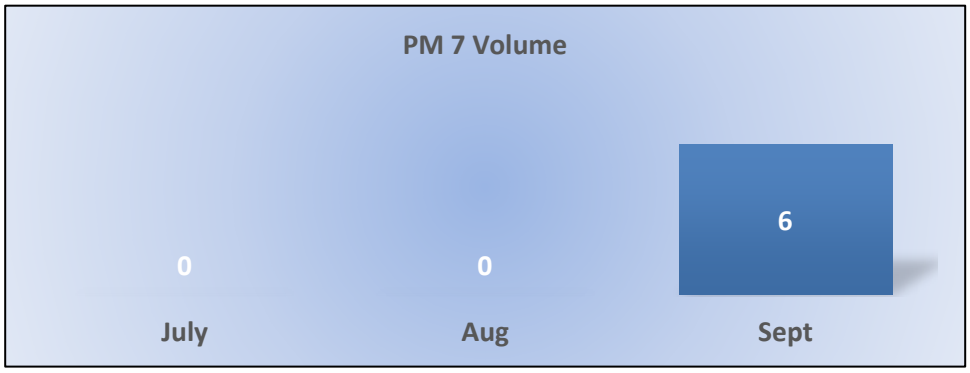
Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General.
(Includes intake, investigation, and case outcome.)



Target Average: 540 Days | **Actual Average:** 1,106 Days

PM7 |Probation Intake – Volume

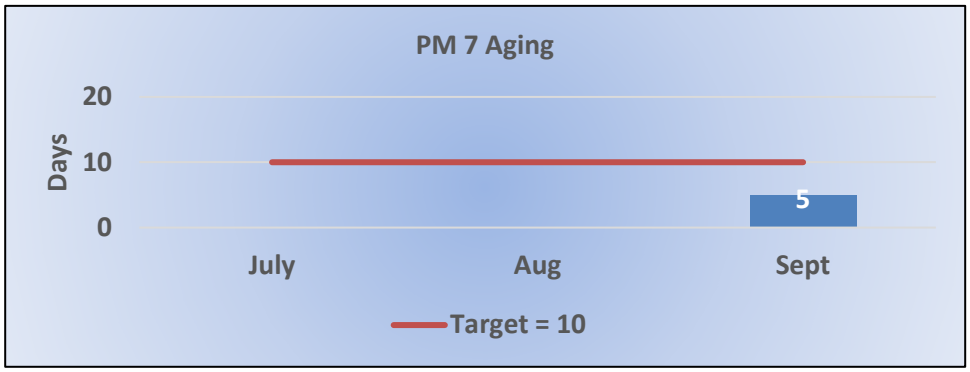
Number of new probation cases.



Total: 6

PM7 |Probation Intake – Cycle Time

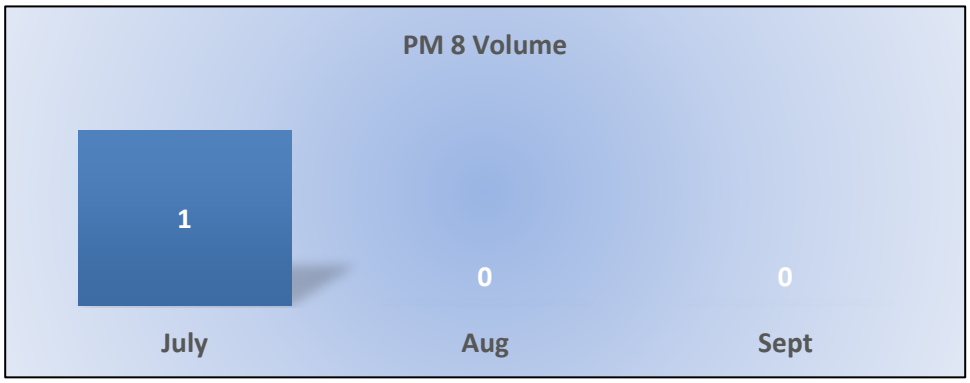
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 5 Days

PM8 |Probation Violation Response – Volume

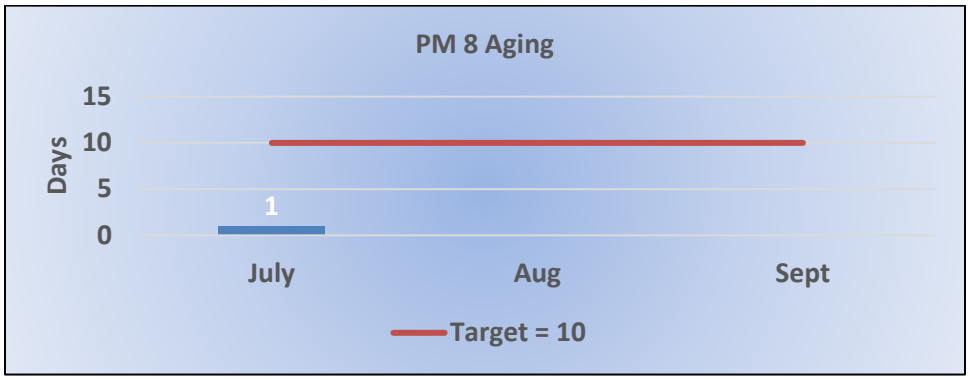
Number of probation violation cases.



Total: 1

PM8 |Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

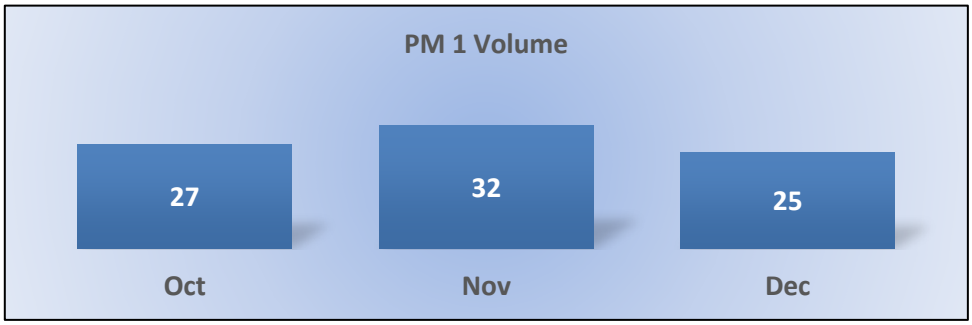
Enforcement Performance Measures

Q2 Report *(October - December 2016)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

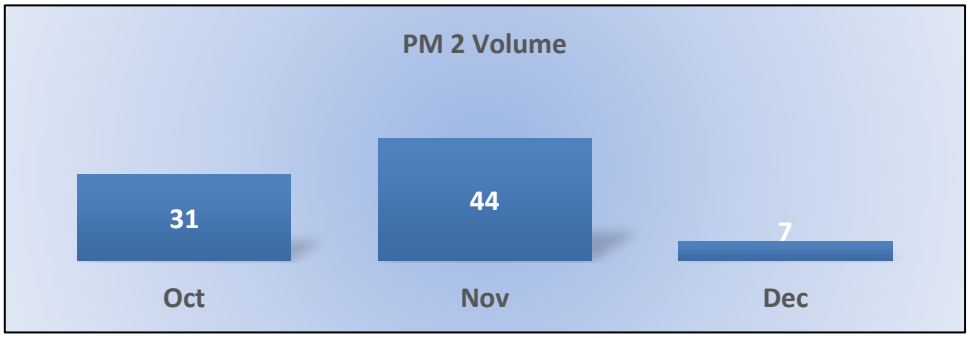


Total Received: 84 | **Monthly Average**: 28

Complaints: 84 | **Convictions**: 0

PM2 | Intake – Volume

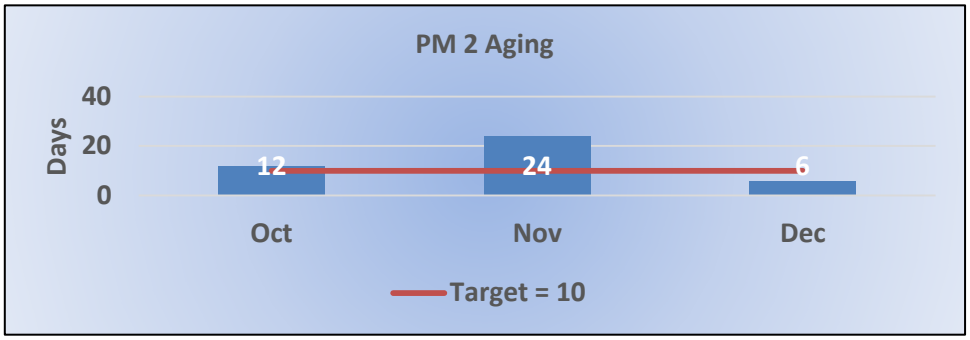
Number of complaints closed or assigned to an investigator.



Total: 82 | **Monthly Average:** 27

PM2 | Intake – Cycle Time

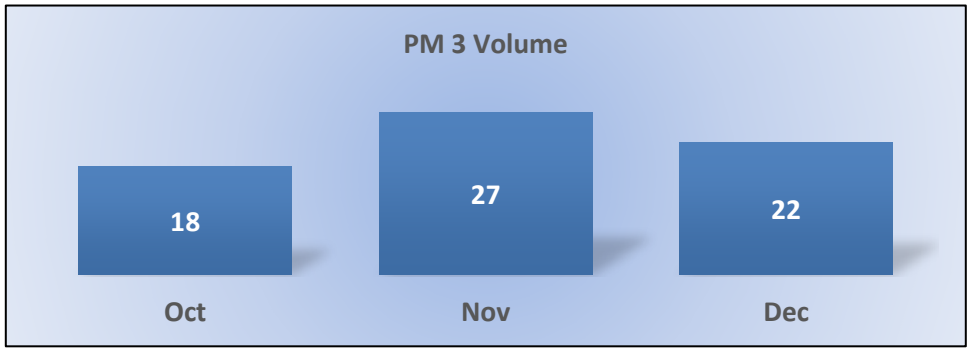
Average number of days from complaint receipt,
to the date the complaint was closed or assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 18 Days

PM3 | Investigations – Volume

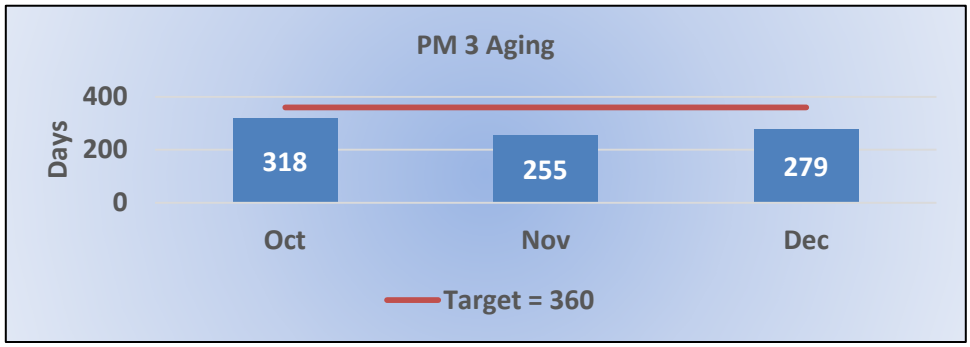
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 67| **Monthly Average:** 22

PM3 | Investigations – Cycle Time

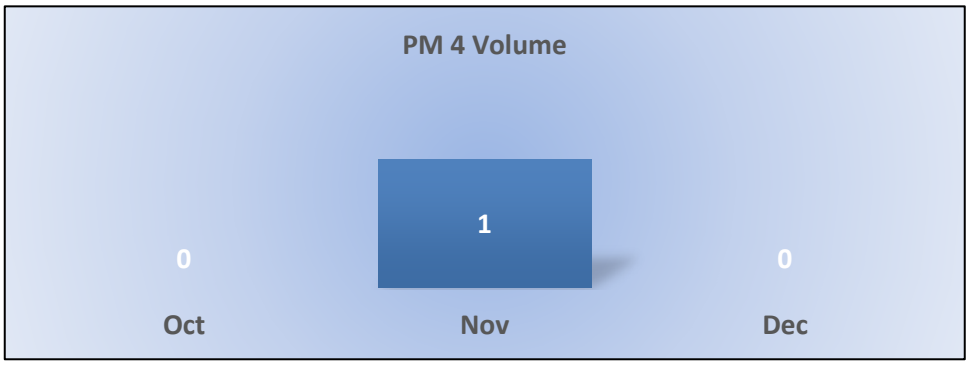
Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation.)



Target Average: 360 Days | **Actual Average:** 280 Days

PM4 | Formal Discipline – Volume

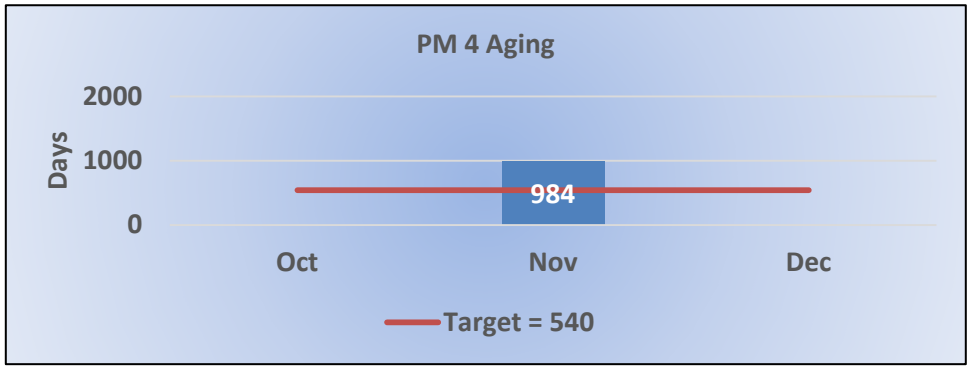
Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).



Total: 1

PM4 | Formal Discipline – Cycle Time

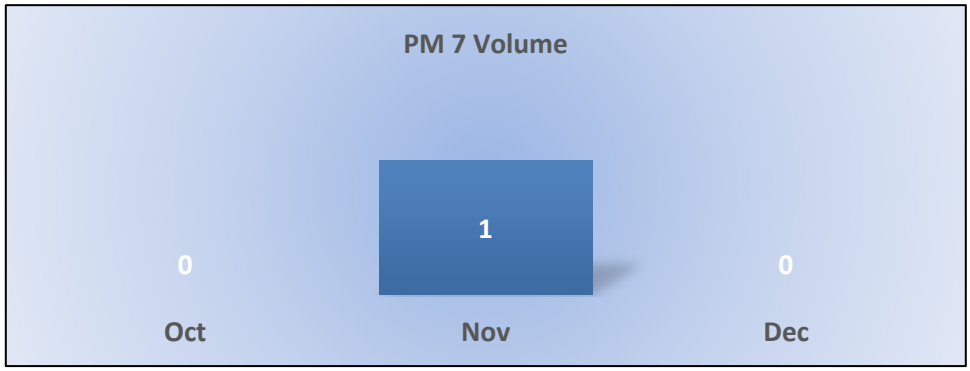
Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General. (Includes intake, investigation, and case outcome.)



Target Average: 540 Days | **Actual Average:** 984 Days

PM7 |Probation Intake – Volume

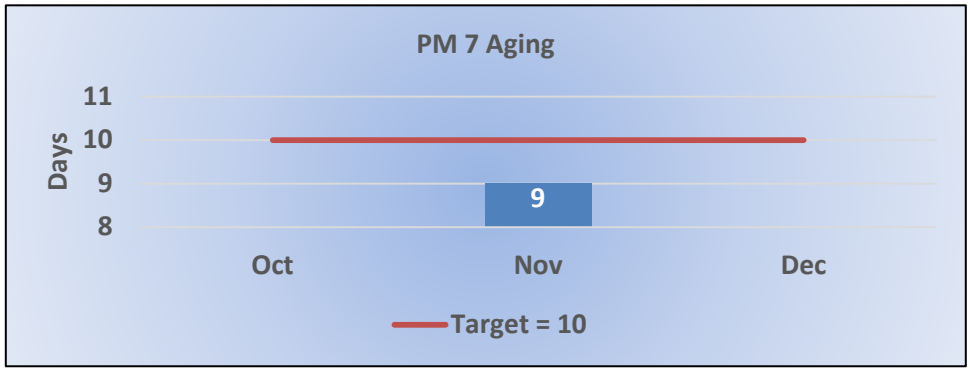
Number of new probation cases.



Total: 1

PM7 |Probation Intake – Cycle Time

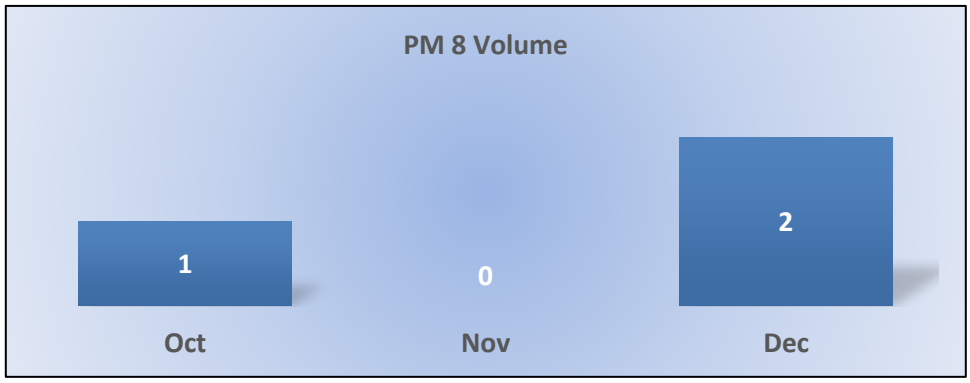
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 9 Days

PM8 |Probation Violation Response – Volume

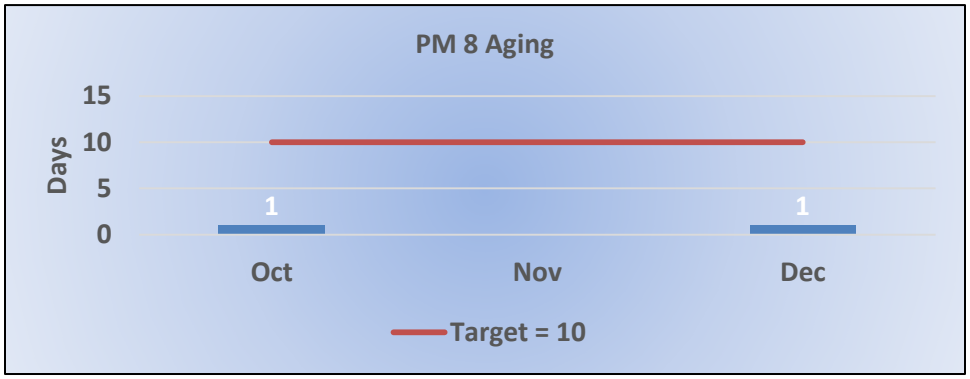
Number of probation violation cases.



Total: 3

PM8 |Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

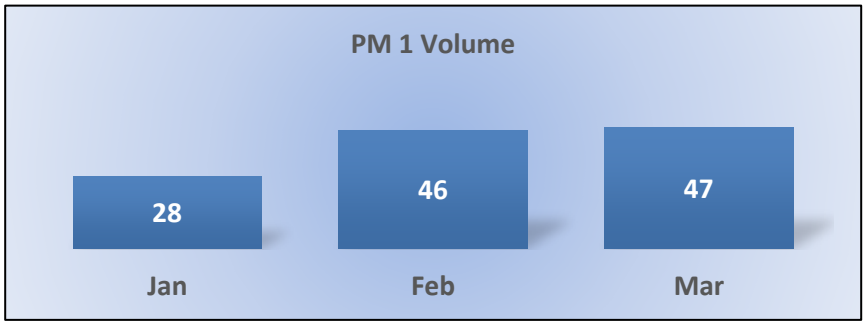
Enforcement Performance Measures

Q3 Report *(January – March 2017)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

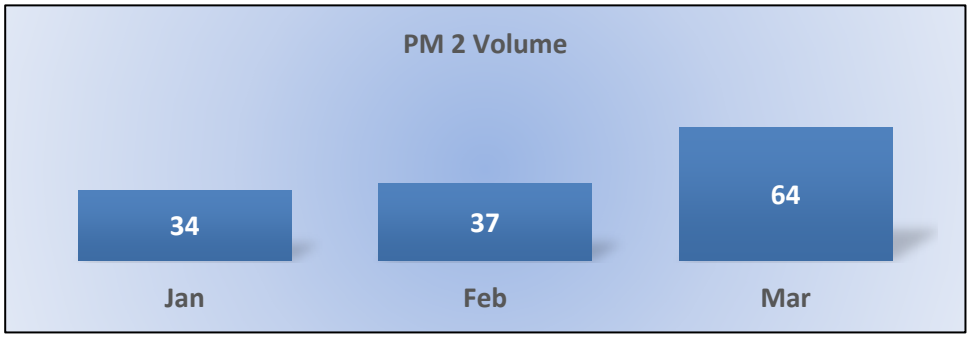


Total Received: 121 | **Monthly Average**: 40

Complaints: 121 | **Convictions**: 0

PM2 | Intake – Volume

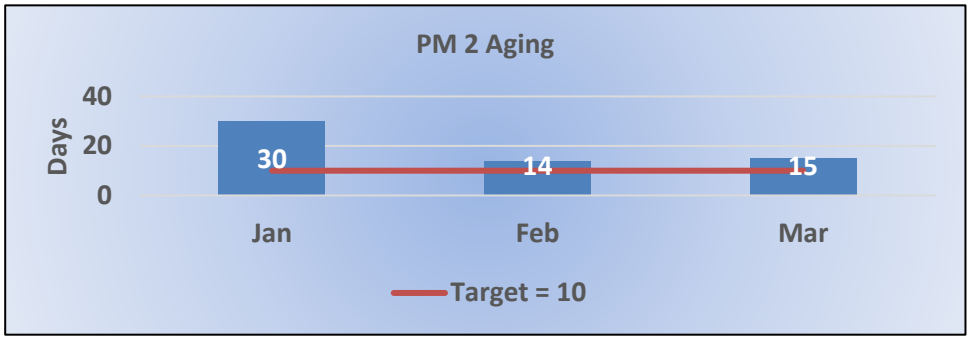
Number of complaints closed or assigned to an investigator.



Total: 135 | **Monthly Average:** 45

PM2 | Intake – Cycle Time

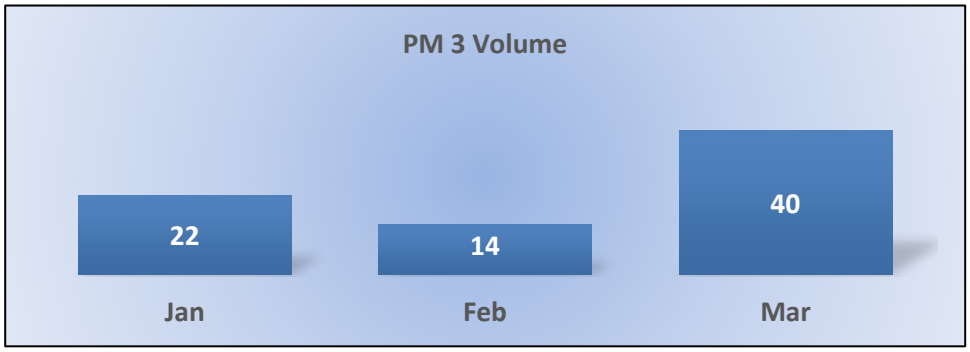
Average number of days from complaint receipt,
to the date the complaint was closed or assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 19 Days

PM3 | Investigations – Volume

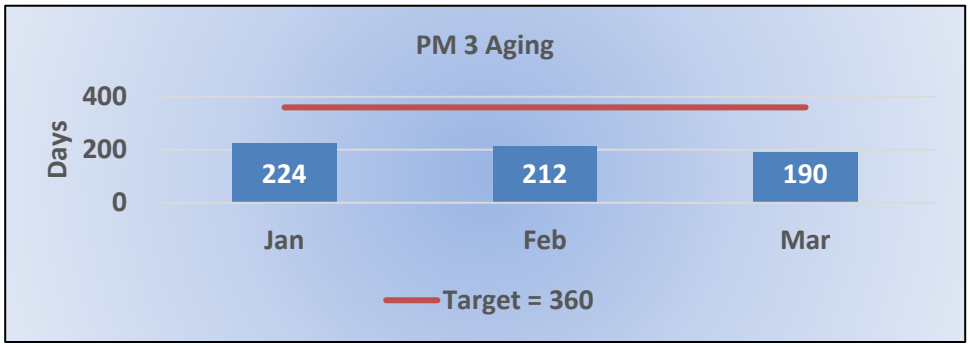
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 76| **Monthly Average:** 25

PM3 | Investigations – Cycle Time

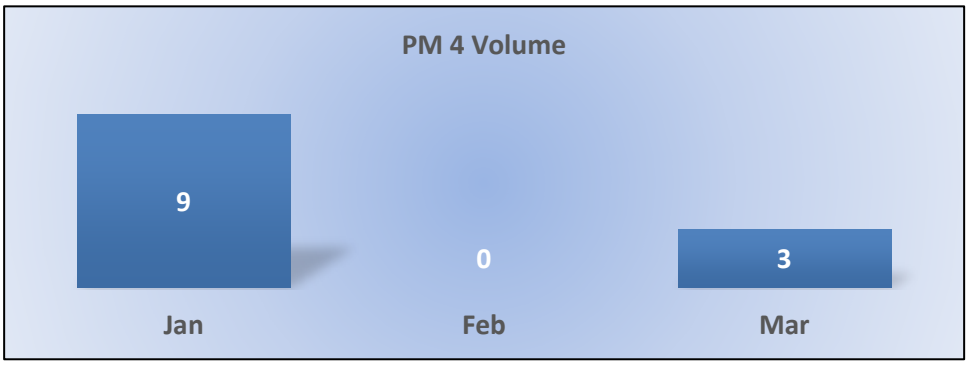
Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation.)



Target Average: 360 Days | **Actual Average:** 204 Days

PM4 | Formal Discipline – Volume

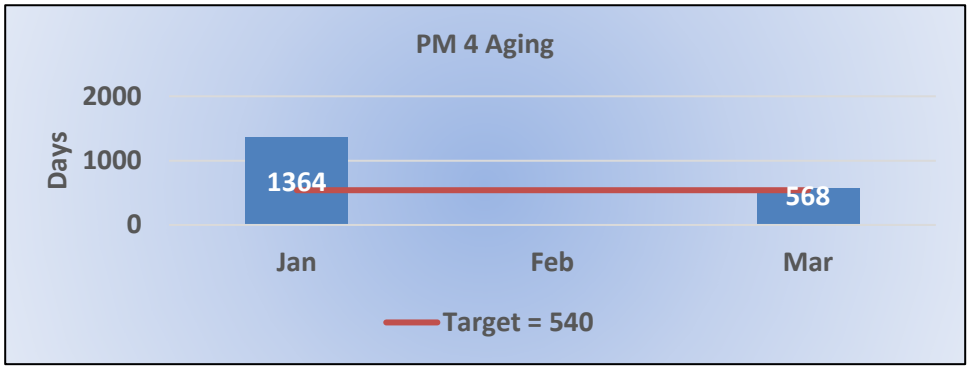
Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).



Total: 12

PM4 | Formal Discipline – Cycle Time

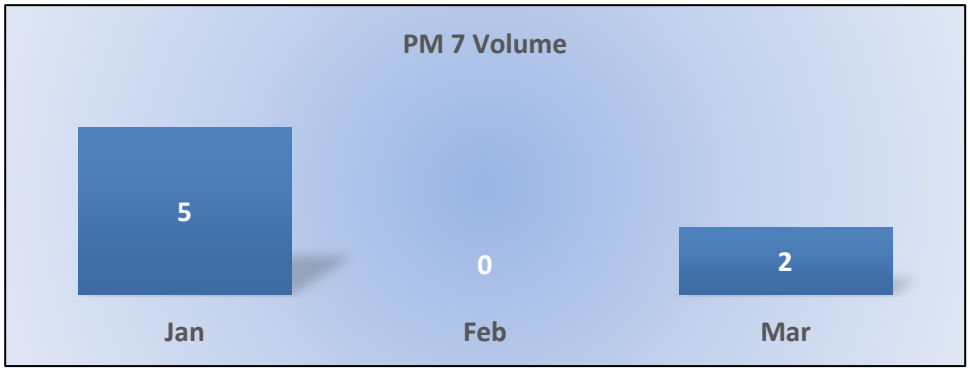
Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General. (Includes intake, investigation, and case outcome.)



Target Average: 540 Days | **Actual Average:** 1,165 Days

PM7 |Probation Intake – Volume

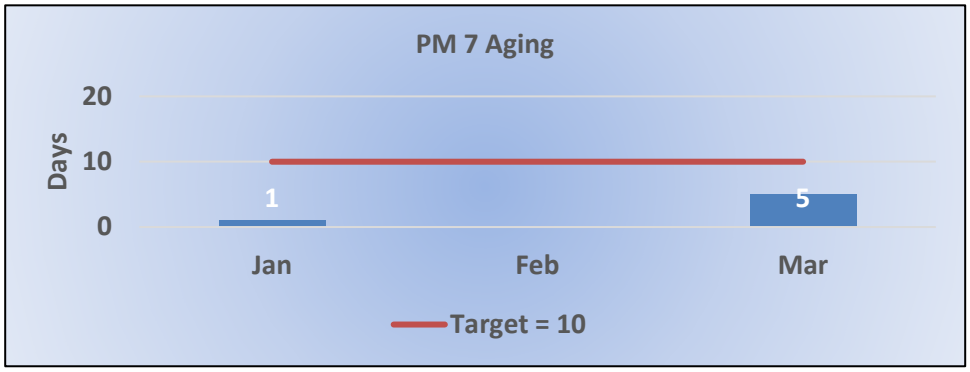
Number of new probation cases.



Total: 7

PM7 |Probation Intake – Cycle Time

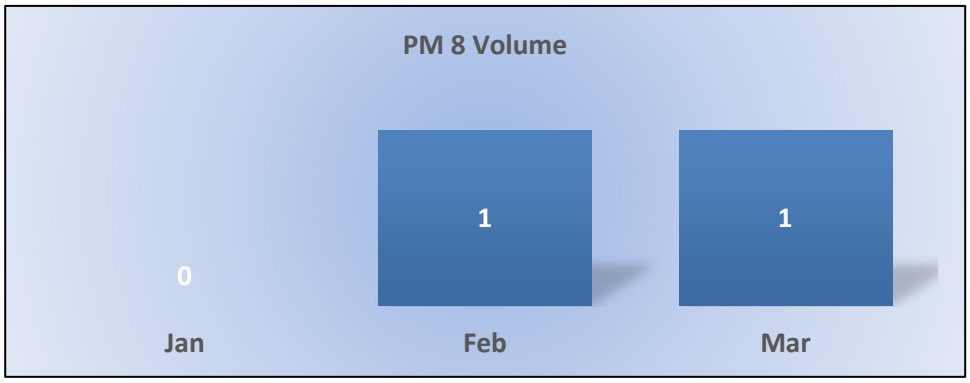
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 2 Days

PM8 |Probation Violation Response – Volume

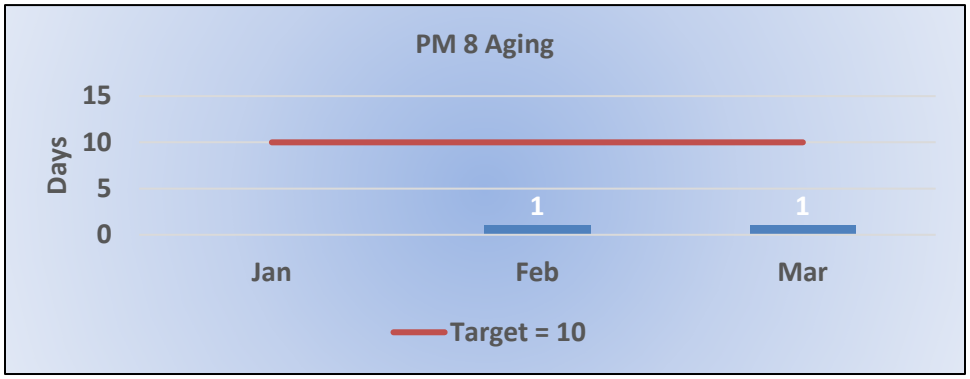
Number of probation violation cases.



Total: 2

PM8 |Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board for Professional Engineers, Land Surveyors, and Geologists

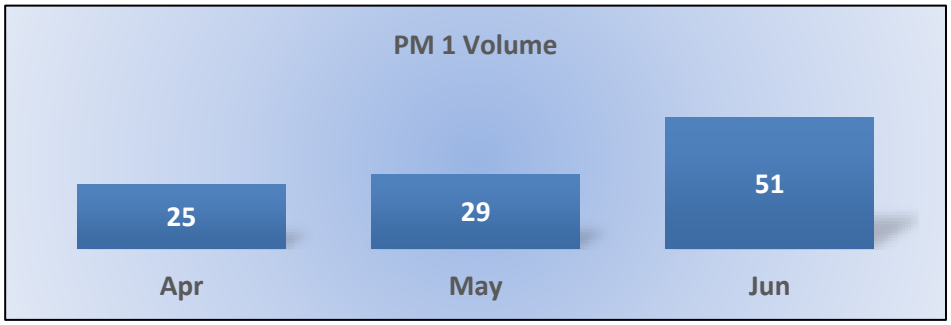
Enforcement Performance Measures

Q4 Report *(April - June 2017)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

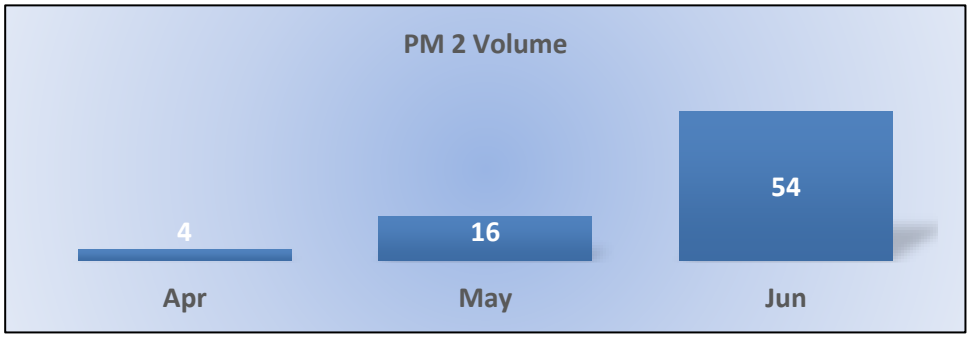


Total Received: 105 | **Monthly Average**: 35

Complaints: 105 | **Convictions**: 0

PM2 | Intake – Volume

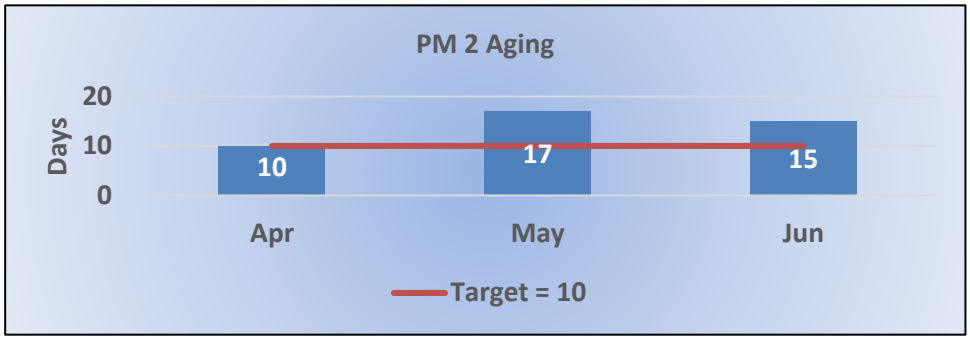
Number of complaints closed or assigned to an investigator.



Total: 74 | **Monthly Average:** 25

PM2 | Intake – Cycle Time

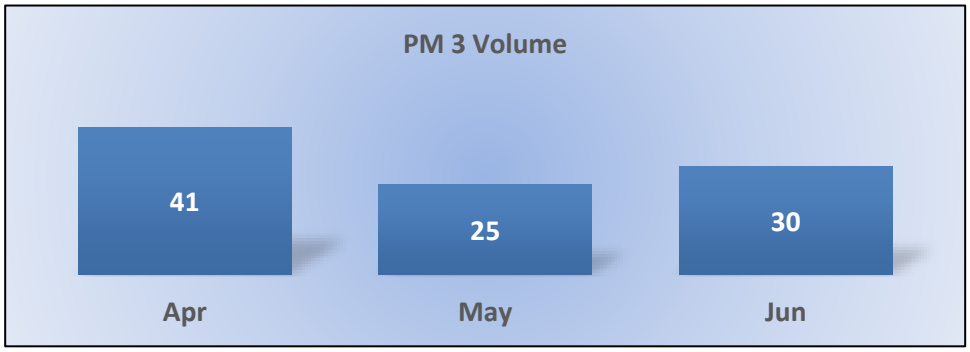
Average number of days from complaint receipt,
to the date the complaint was closed or assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 15 Days

PM3 | Investigations – Volume

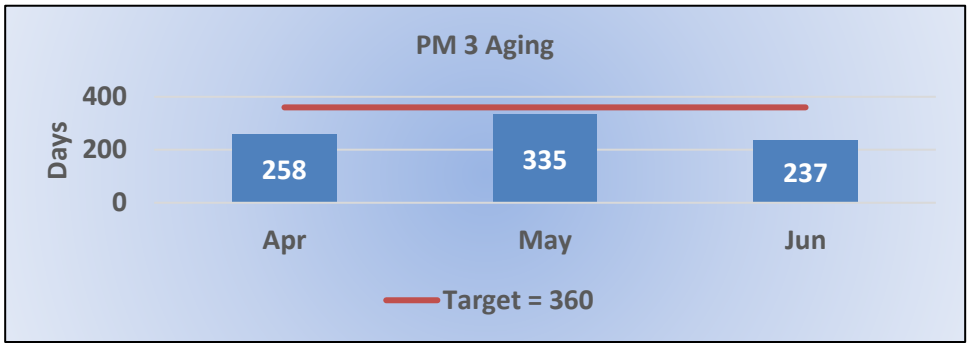
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 96 | **Monthly Average:** 32

PM3 | Investigations – Cycle Time

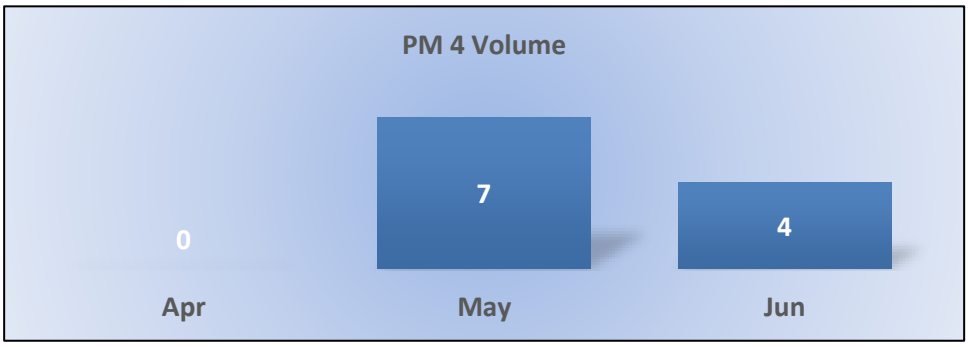
Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation.)



Target Average: 360 Days | **Actual Average:** 271 Days

PM4 | Formal Discipline – Volume

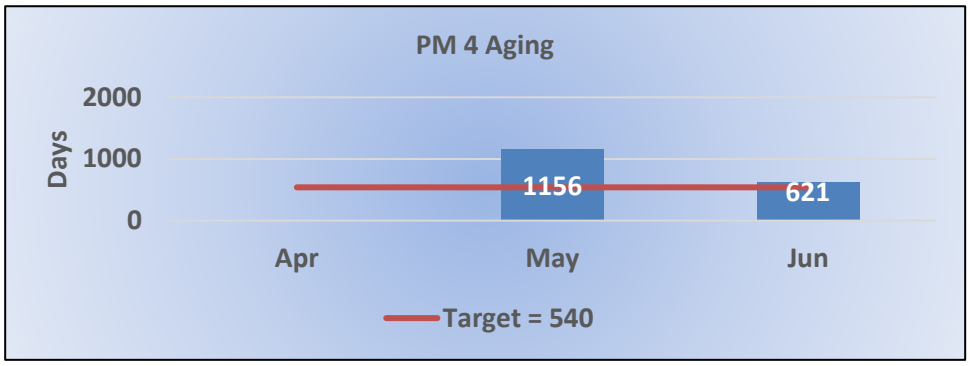
Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).



Total: 11

PM4 | Formal Discipline – Cycle Time

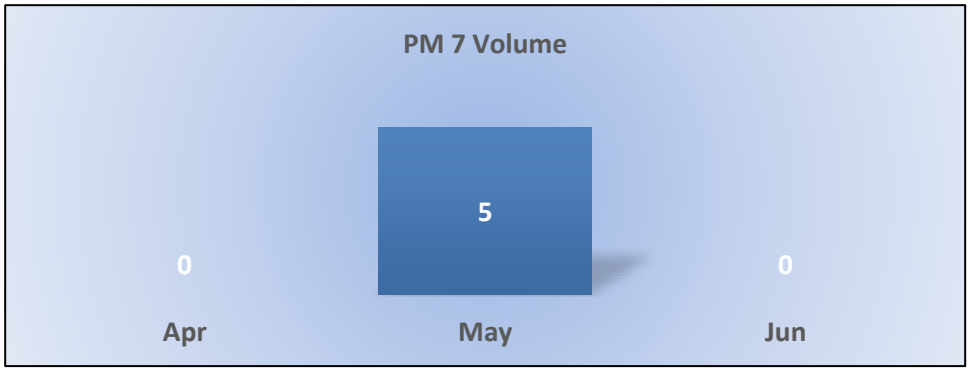
Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General. (Includes intake, investigation, and case outcome.)



Target Average: 540 Days | **Actual Average:** 961 Days

PM7 |Probation Intake – Volume

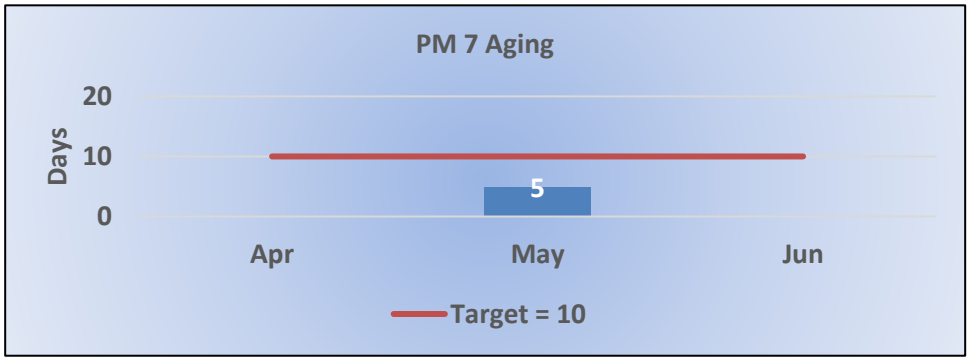
Number of new probation cases.



Total: 5

PM7 |Probation Intake – Cycle Time

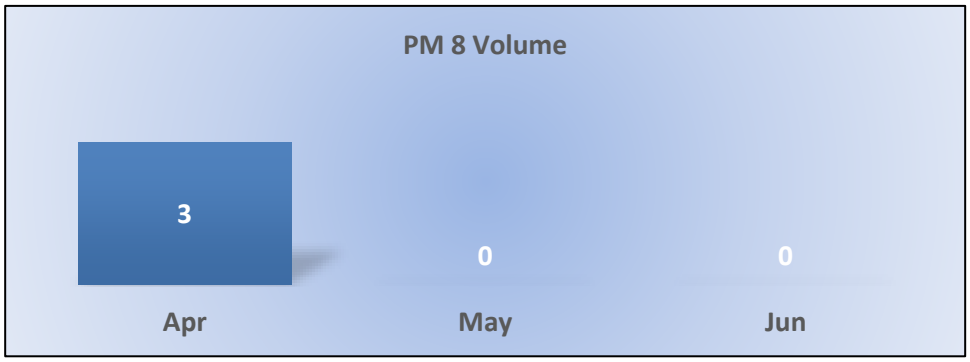
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 5 Days

PM8 |Probation Violation Response – Volume

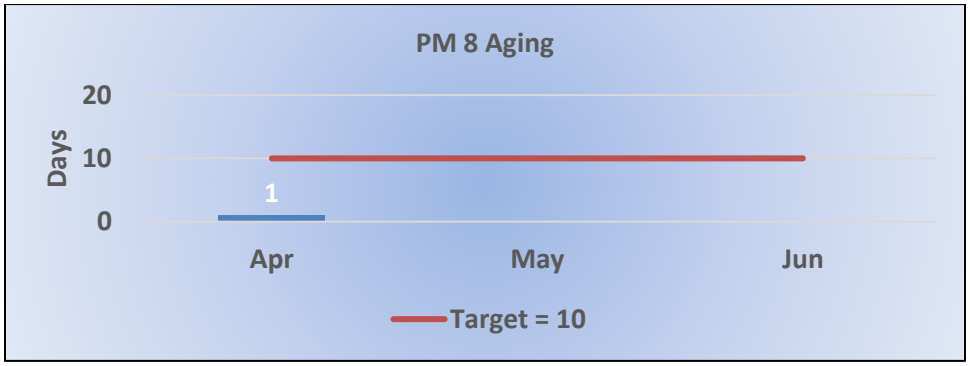
Number of probation violation cases.



Total: 1

PM8 |Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

California Board of Professional Engineers, Land Surveyors, and Geologists

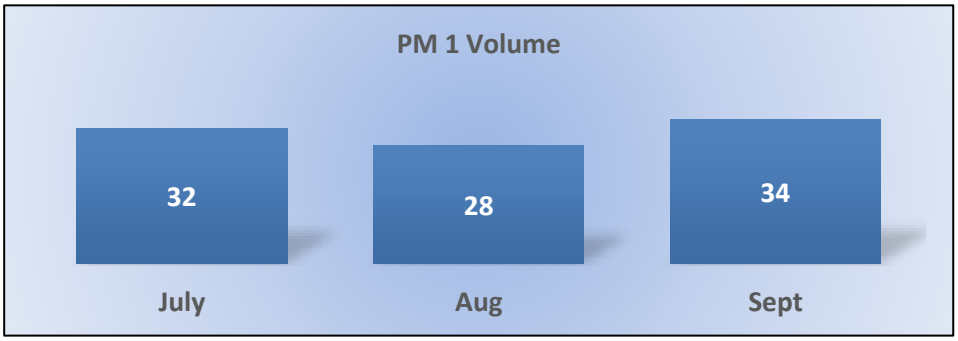
Enforcement Performance Measures

Q1 Report *(July - September 2017)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

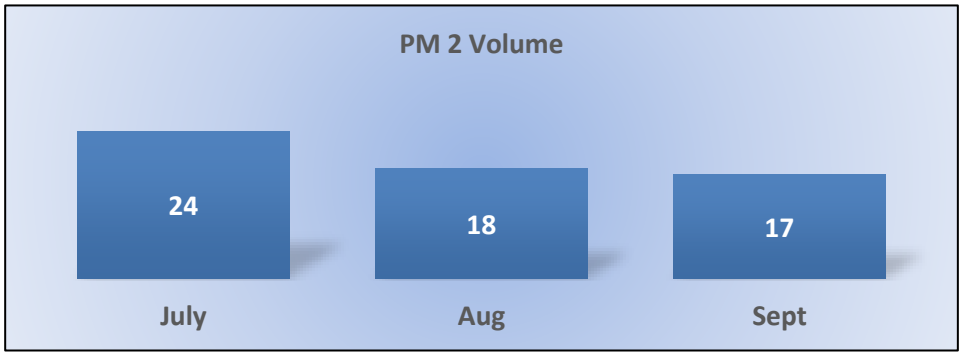


Total Received: 94 | **Monthly Average**: 31

Complaints: 94 | **Convictions**: 0

PM2 | Intake – Volume

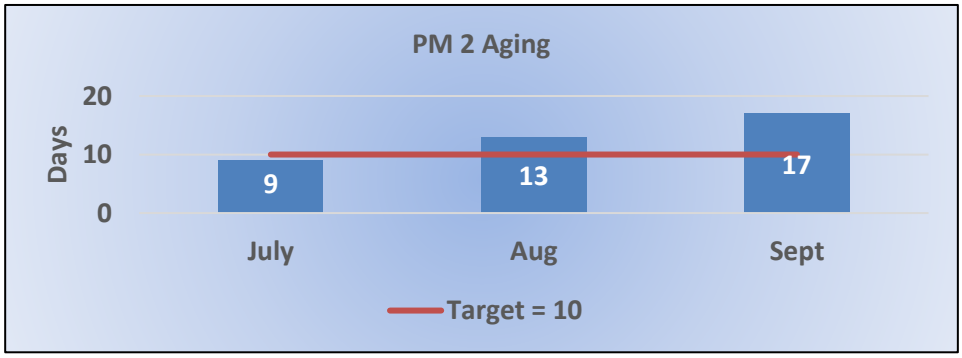
Number of complaints closed or assigned to an investigator.



Total: 59 | **Monthly Average:**20

PM2 | Intake – Cycle Time

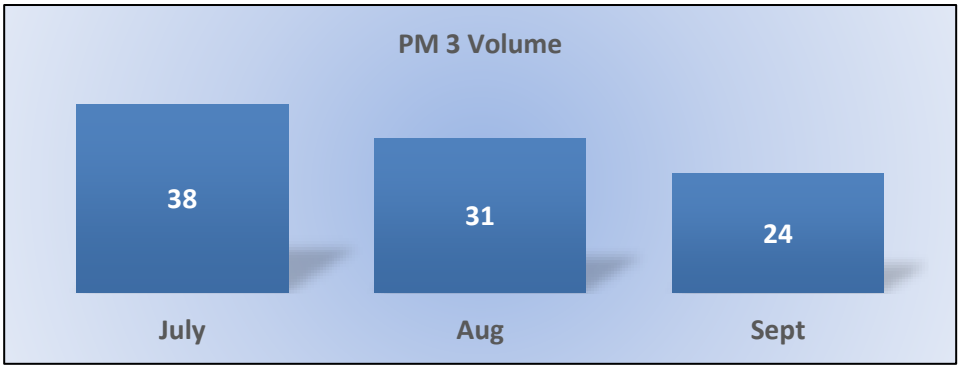
Average number of days from complaint receipt,
to the date the complaint was closed or assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 13 Days

PM3 | Investigations – Volume

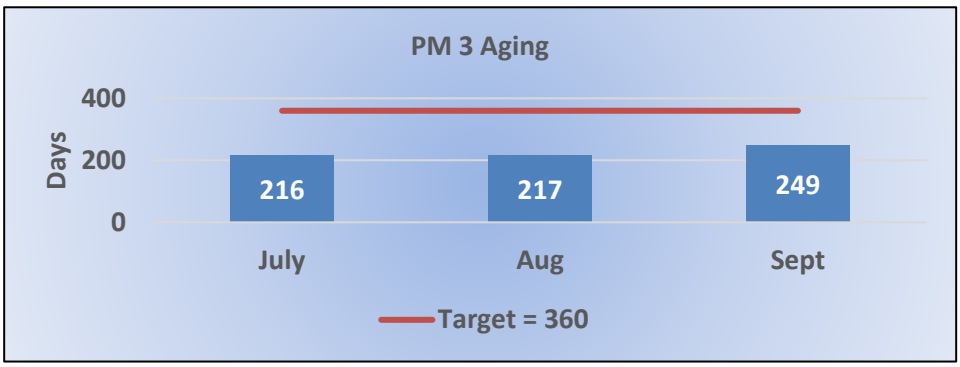
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 93| **Monthly Average:** 31

PM3 | Investigations – Cycle Time

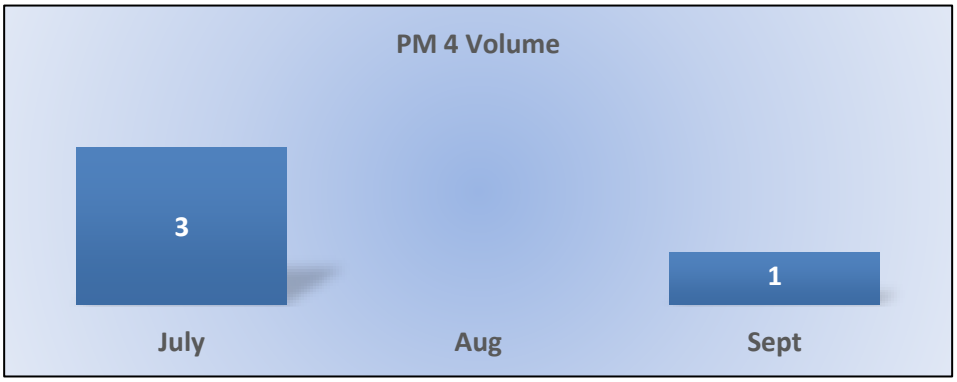
Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation)



Target Average: 360 Days | **Actual Average:** 225 Days

PM4 | Formal Discipline -- Volume

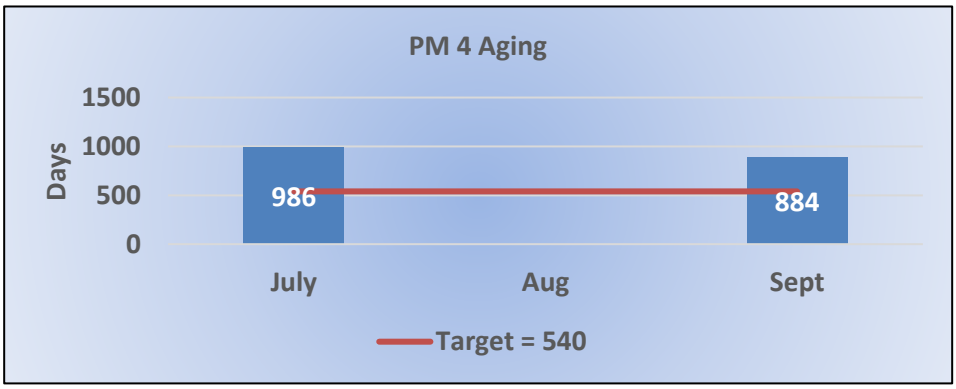
Cases closed, of those transmitted to the Attorney General.



Total: 4| **Monthly Average:** 2

PM4 | Formal Discipline – Cycle Time

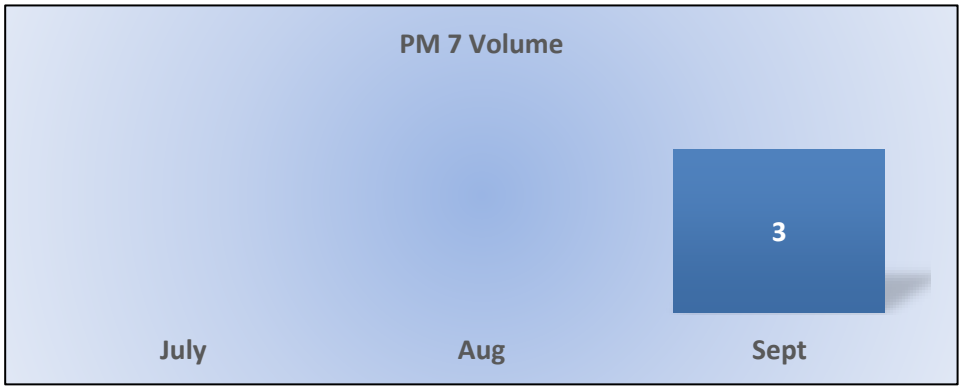
Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General.
(Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 961 Days

PM7 |Probation Intake – Volume

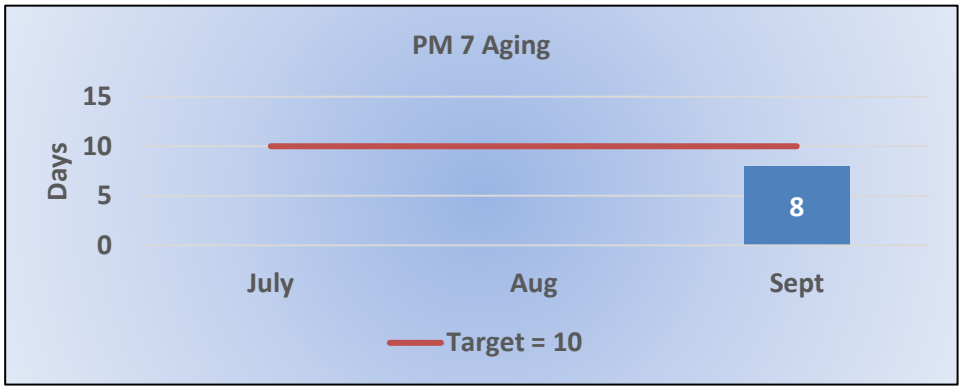
Number of new probation cases.



Total: 3

PM7 |Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 8 Days

PM8 |Probation Violation Response – Volume

Number of probation violation cases.

The Board did not have any probation violations this quarter.

PM8 |Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations this quarter.

Department of Consumer Affairs

California Board of Professional Engineers, Land Surveyors, and Geologists

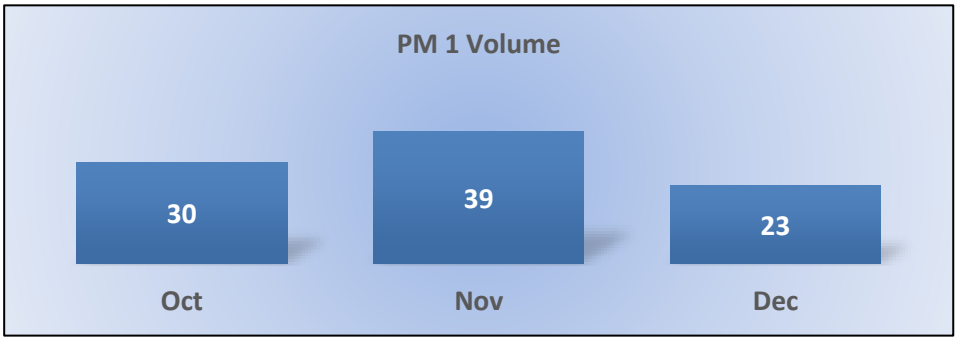
Enforcement Performance Measures

Q2 Report *(October - December 2017)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

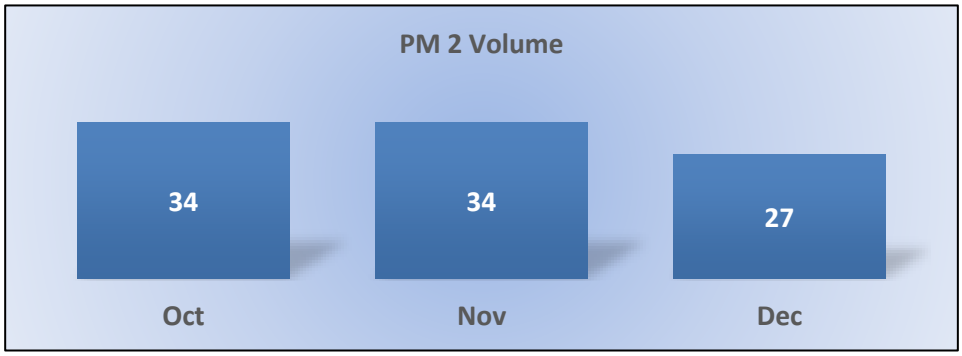


Total Received: 92 | **Monthly Average**: 31

Complaints: 92 | **Convictions**: 0

PM2 | Intake – Volume

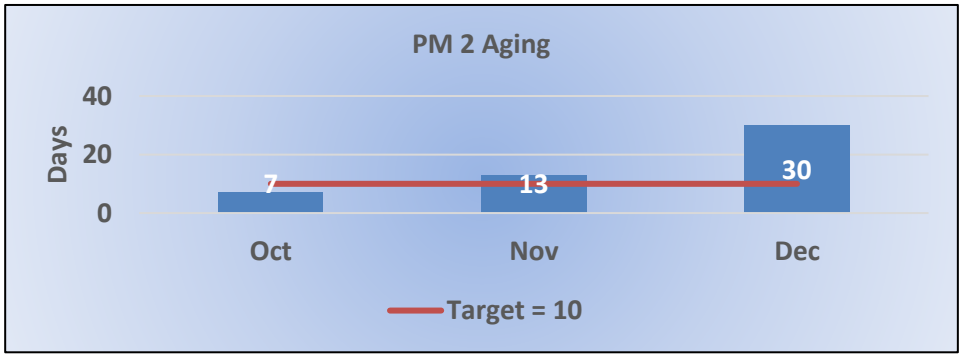
Number of complaints closed or assigned to an investigator.



Total: 95 | **Monthly Average:** 32

PM2 | Intake – Cycle Time

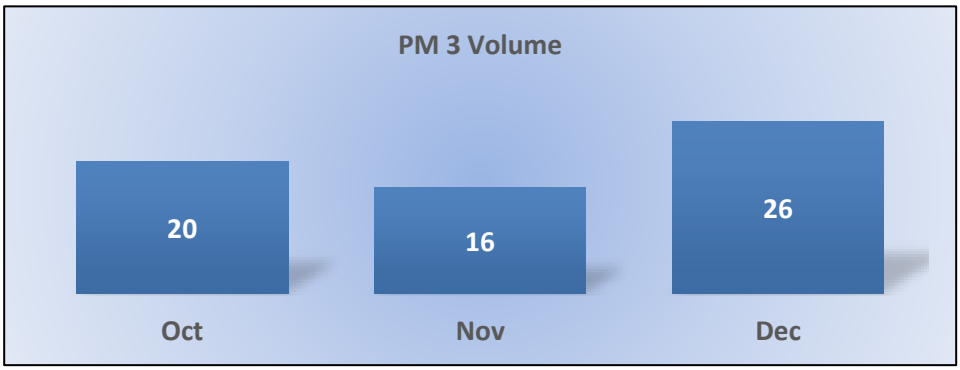
Average number of days from complaint receipt,
to the date the complaint was closed or assigned to an investigator.



Target Average: 10 Days | **Actual Average:** 16 Days

PM3 | Investigations – Volume

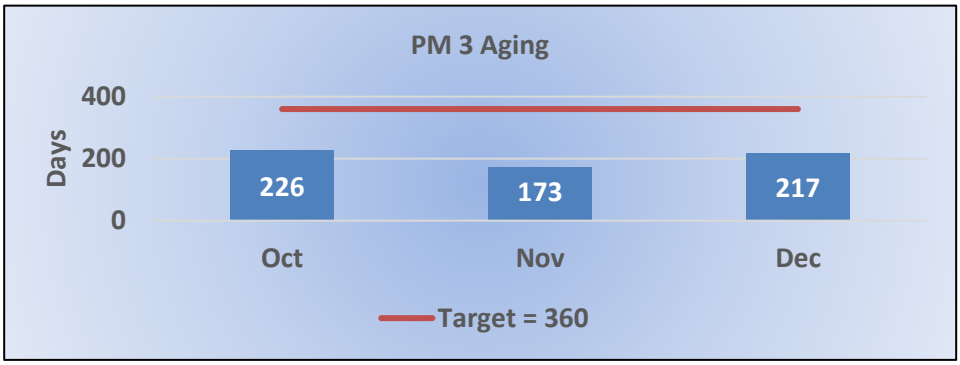
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 62| **Monthly Average:** 21

PM3 | Investigations – Cycle Time

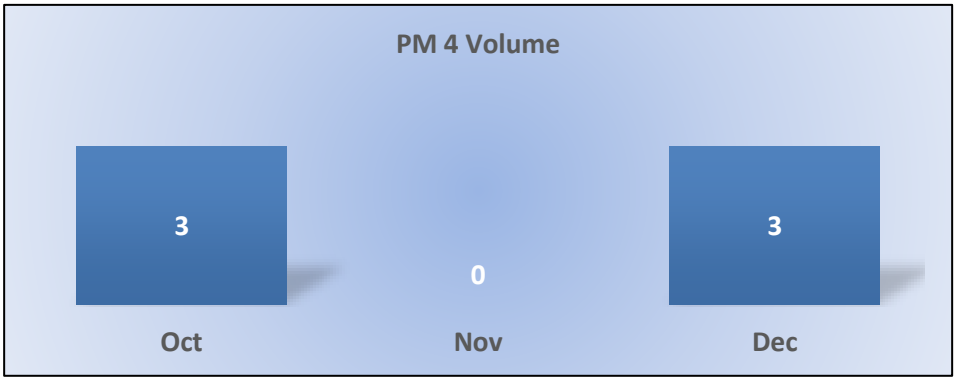
Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation)



Target Average: 360 Days | **Actual Average:** 209 Days

PM4 | Formal Discipline -- Volume

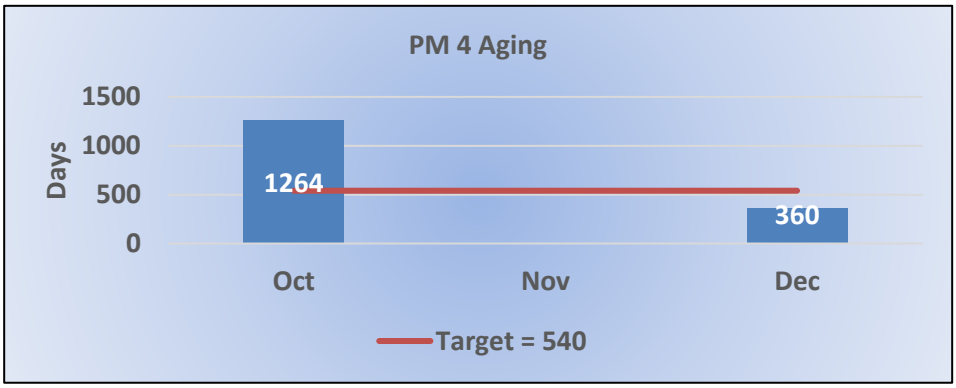
Cases closed, of those transmitted to the Attorney General.



Total: 6| **Monthly Average:** 2

PM4 | Formal Discipline – Cycle Time

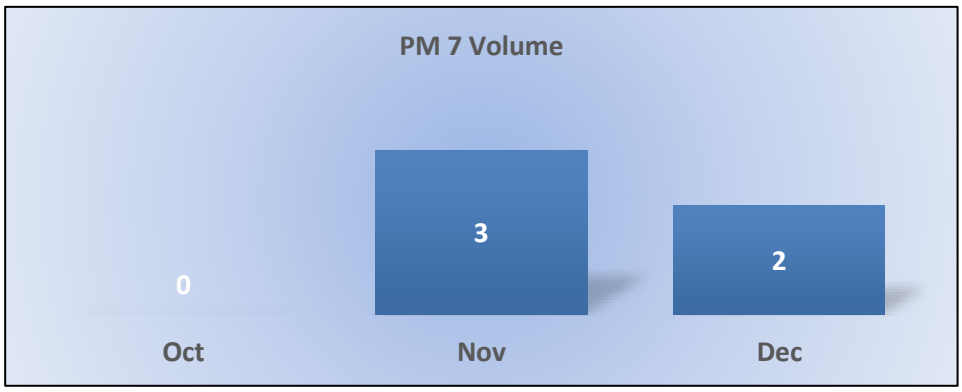
Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General.
(Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 812 Days

PM7 |Probation Intake – Volume

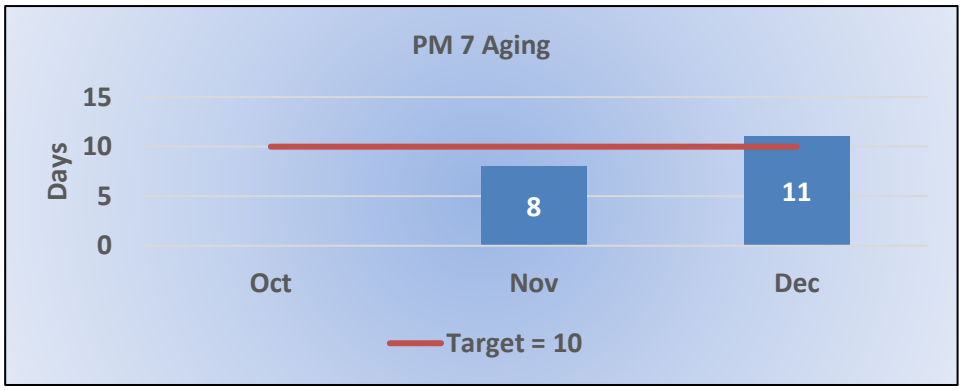
Number of new probation cases.



Total: 5

PM7 |Probation Intake – Cycle Time

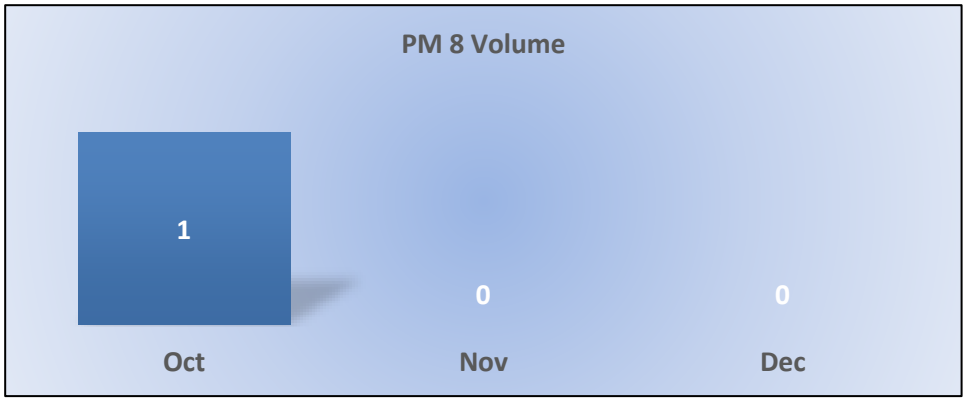
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 9 Days

PM8 |Probation Violation Response – Volume

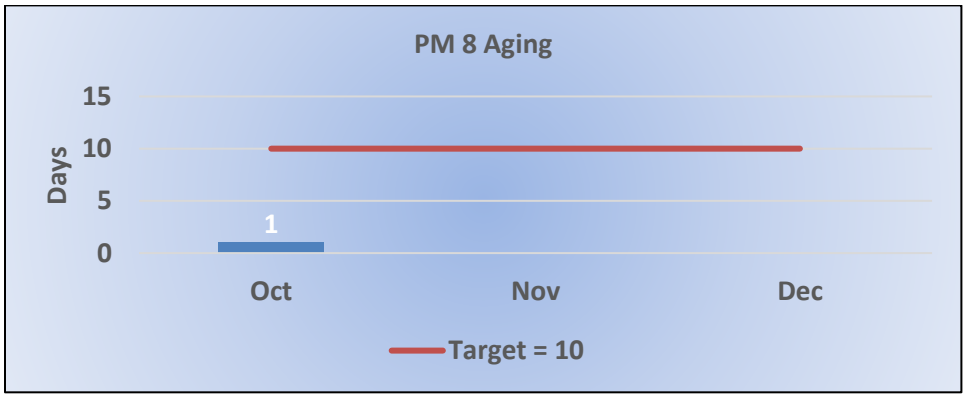
Number of probation violation cases.



Total: 1

PM8 |Probation Violation Response – Cycle Time

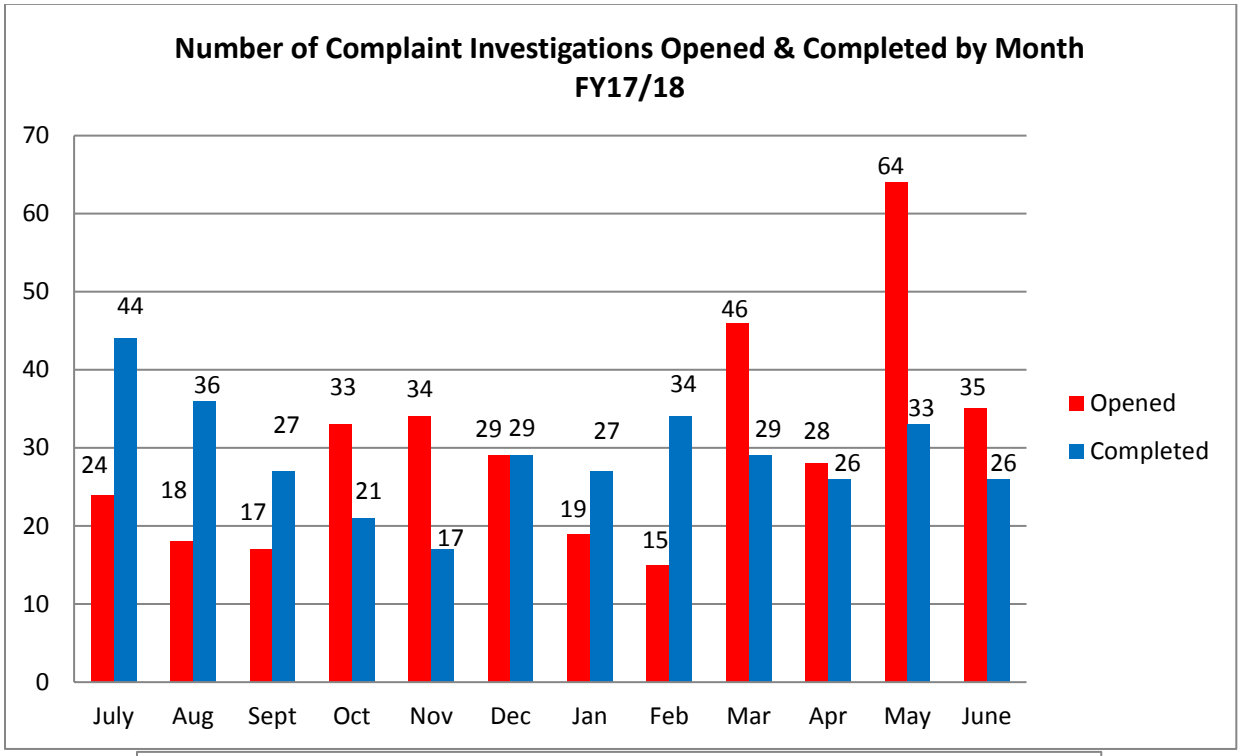
Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

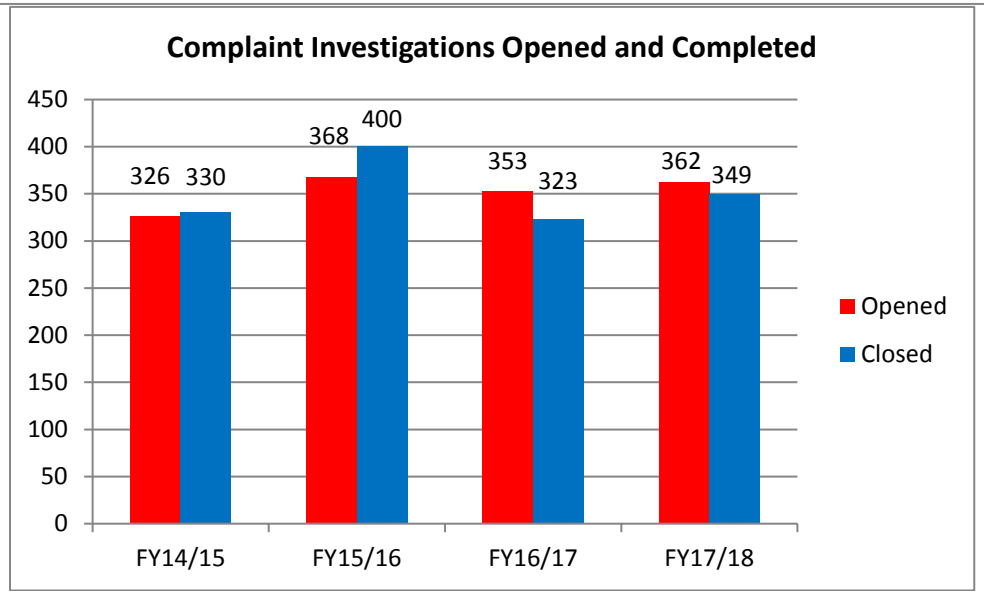


Target Average: 10 Days | **Actual Average:** 1 Days

ATTACHMENT F

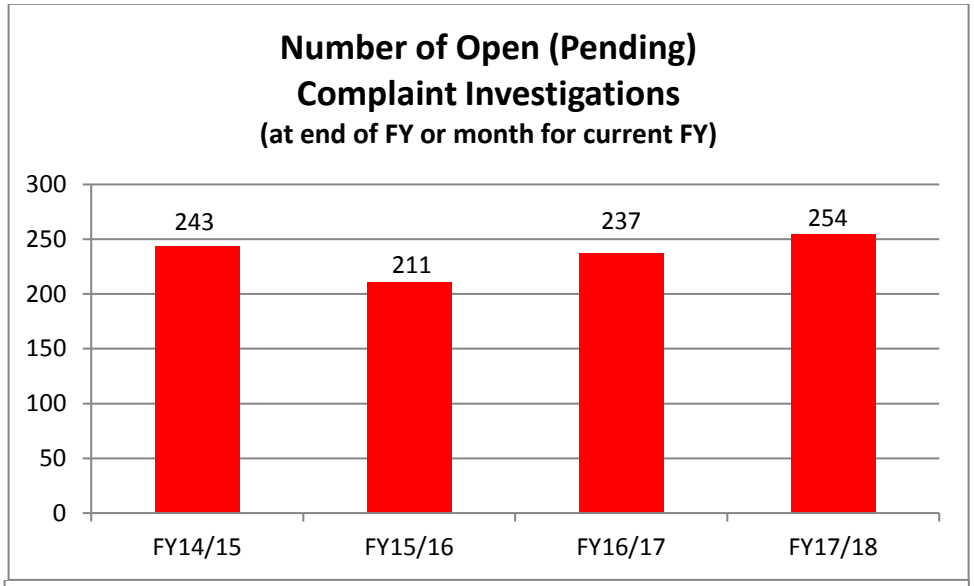
Complaint Investigation Phase

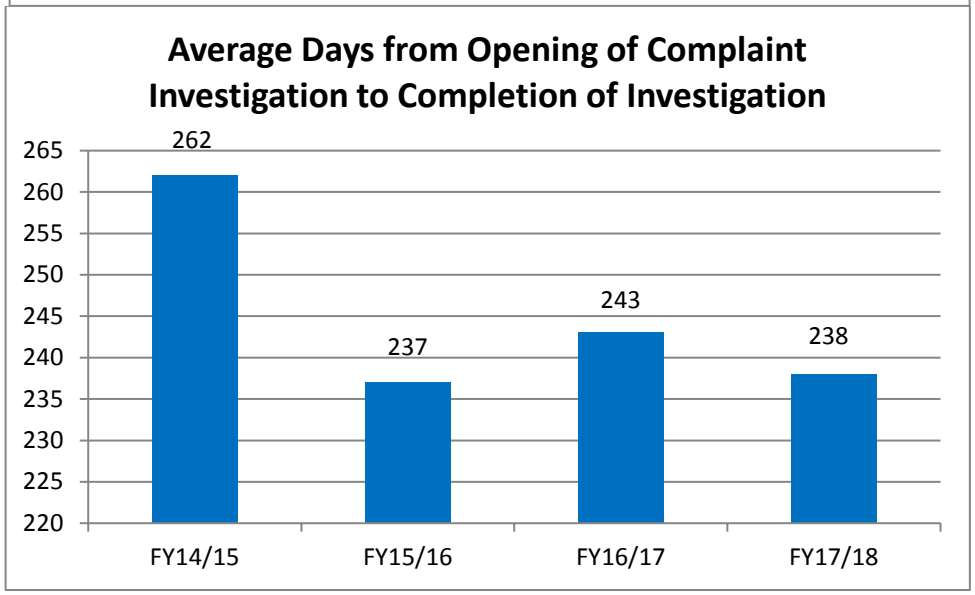




NOTE: FY17/18 statistics are through June 30, 2018

Complaint Investigation Phase

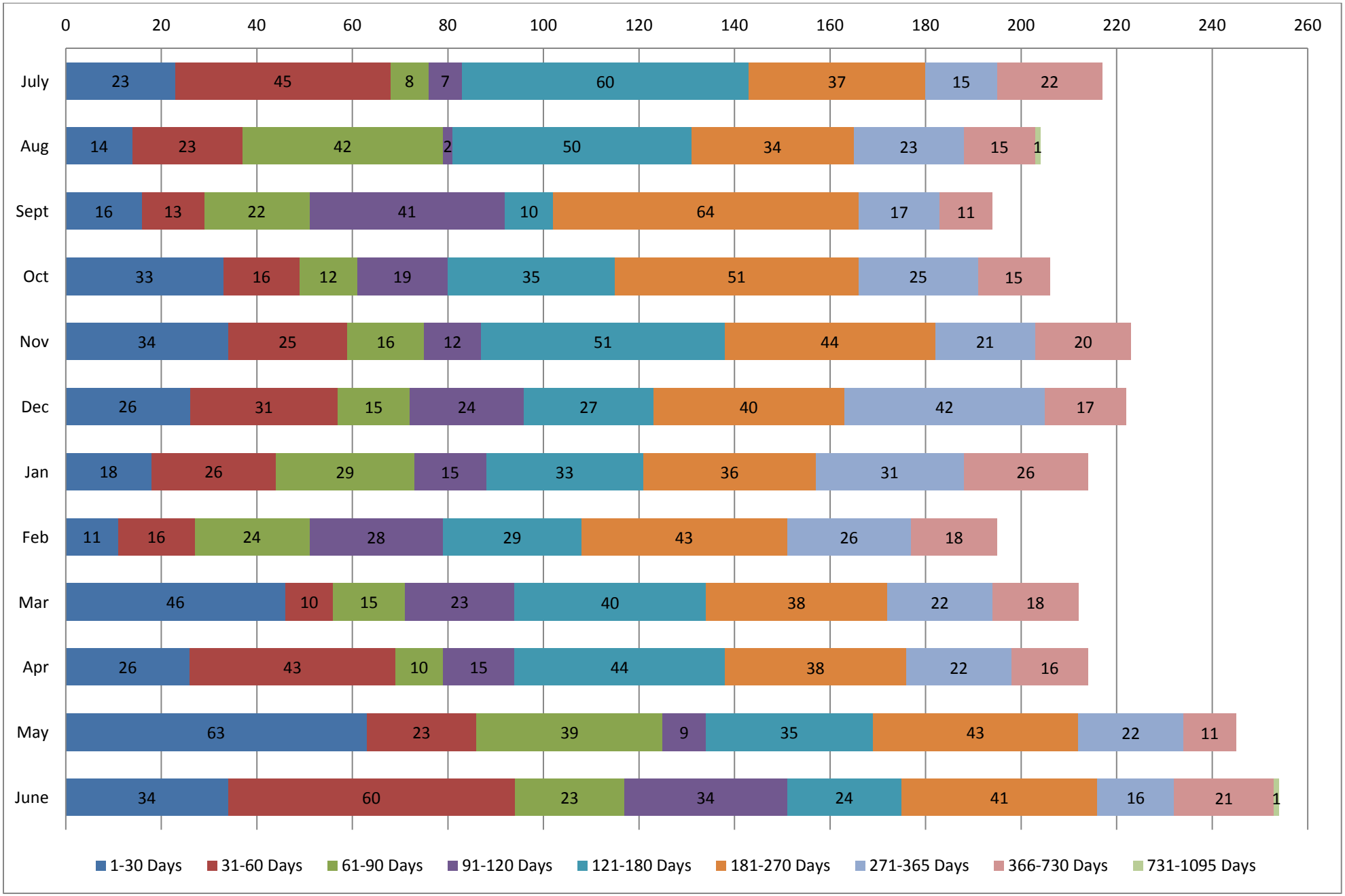




NOTE: FY17/18 statistics are through June 30, 2018

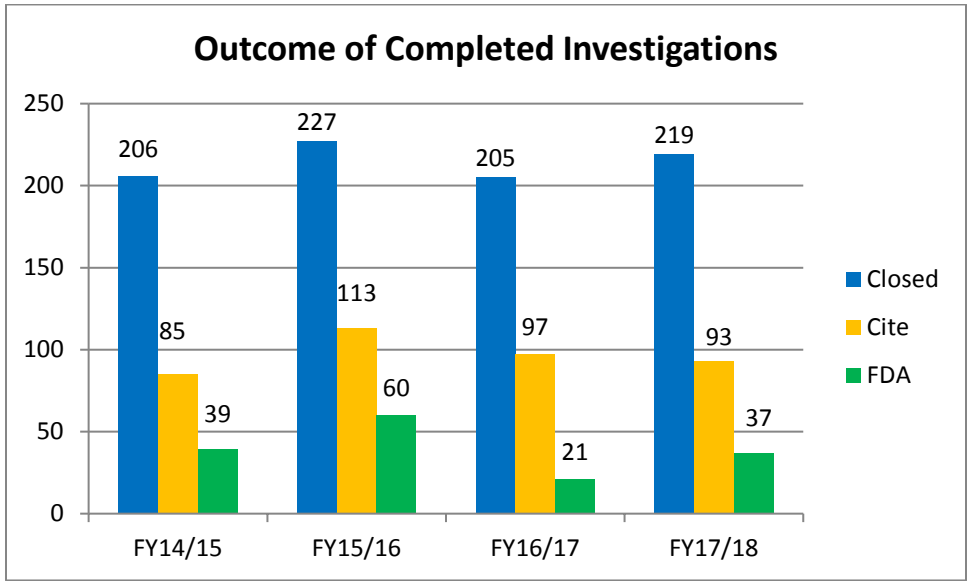
Complaint Investigation Phase

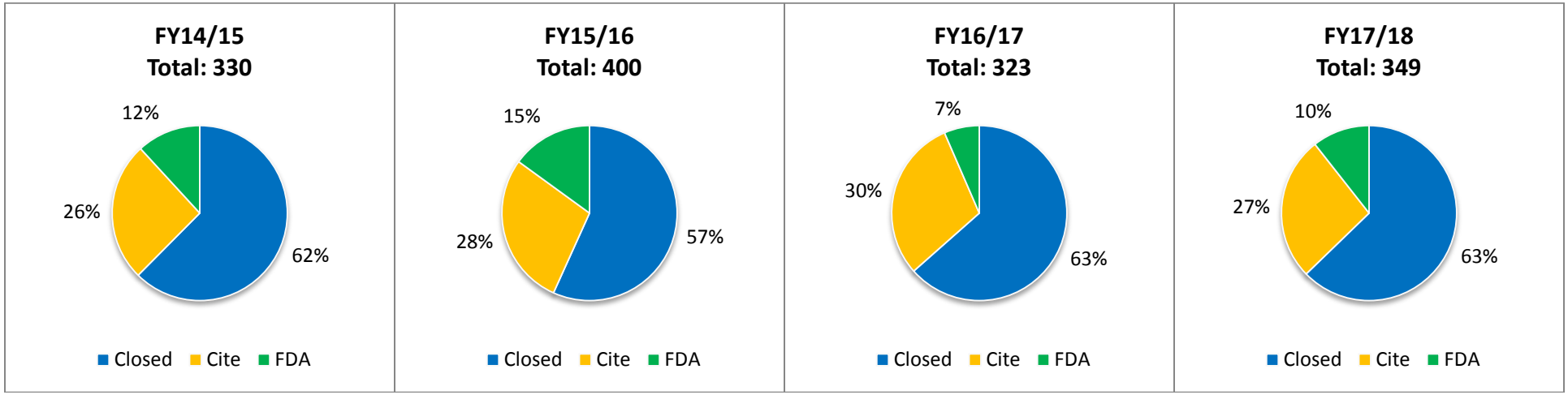
Aging of Open (Pending) Complaint Investigation Cases – FY17/18



Complaint Investigation Phase

Outcome of Completed Investigations





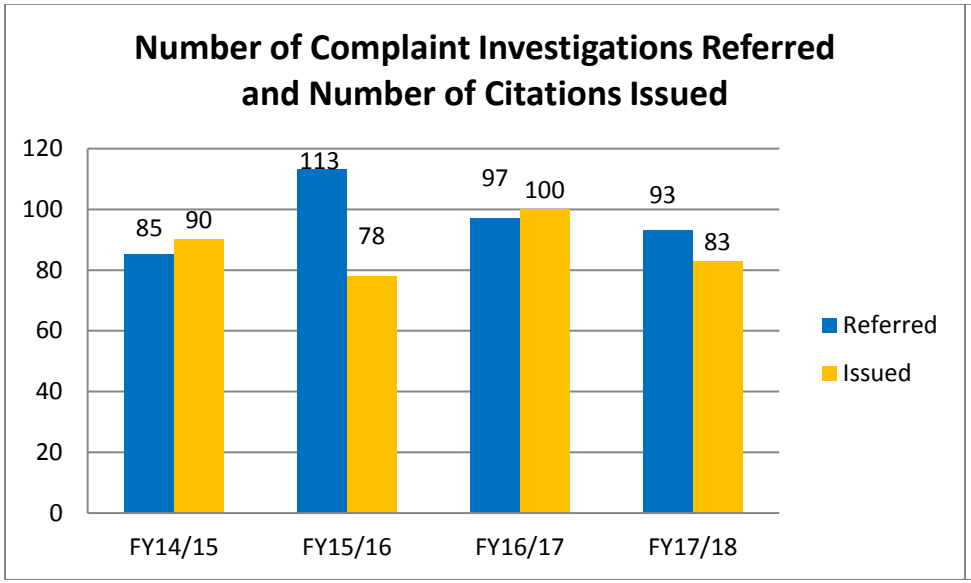
NOTE: FY17/18 statistics are through June 30, 2018

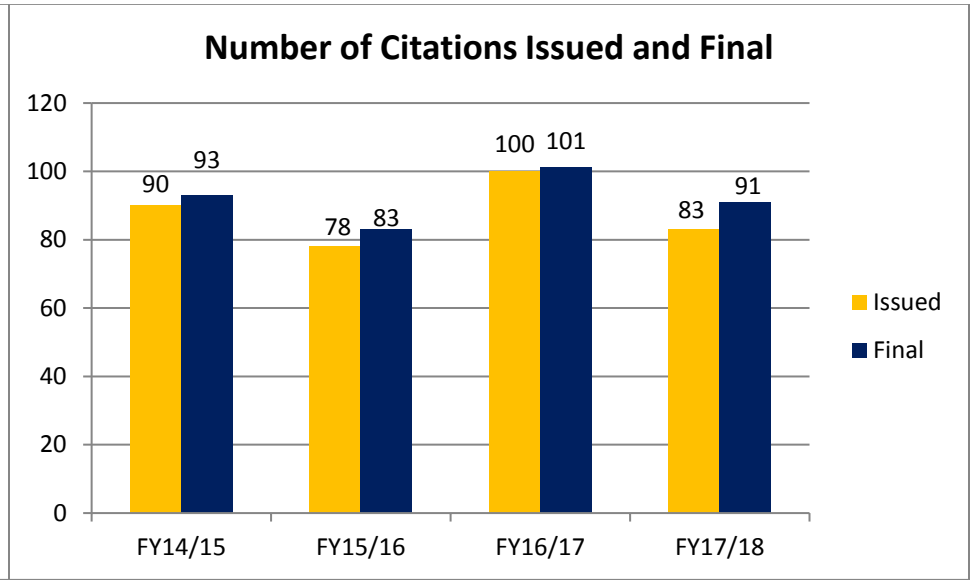
Closed = Closed with No Action Taken, includes the categories listed on the next page.

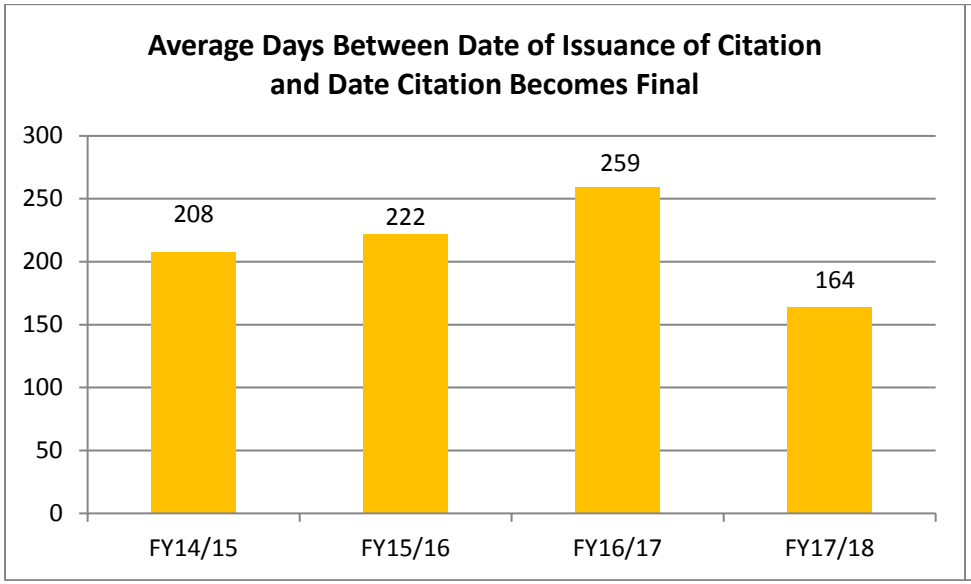
Cite = Referred for Issuance of Citation

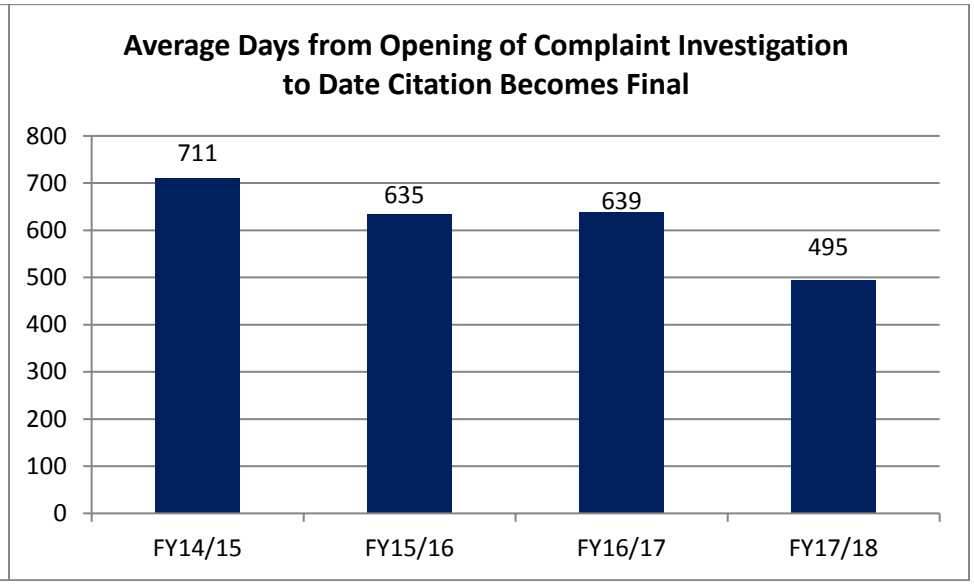
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



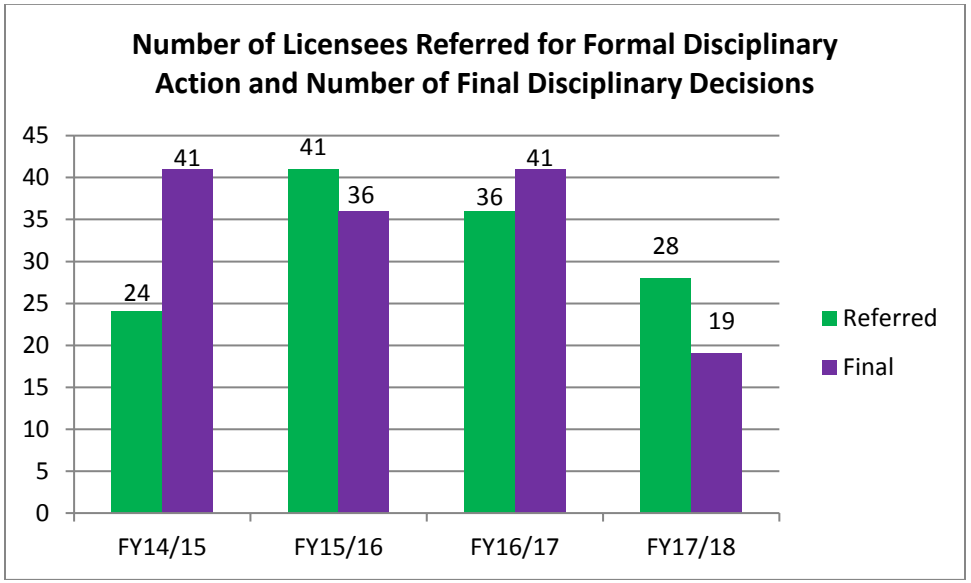


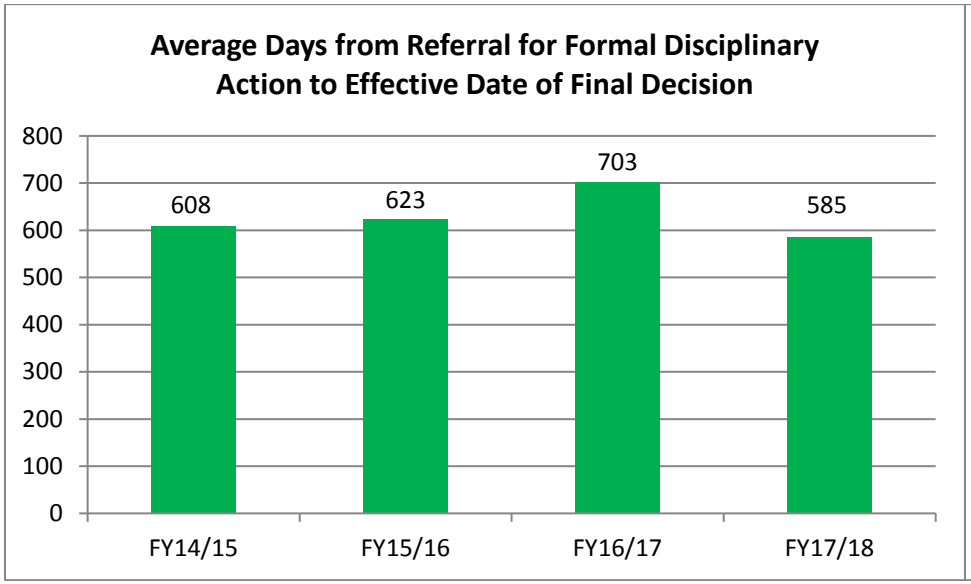


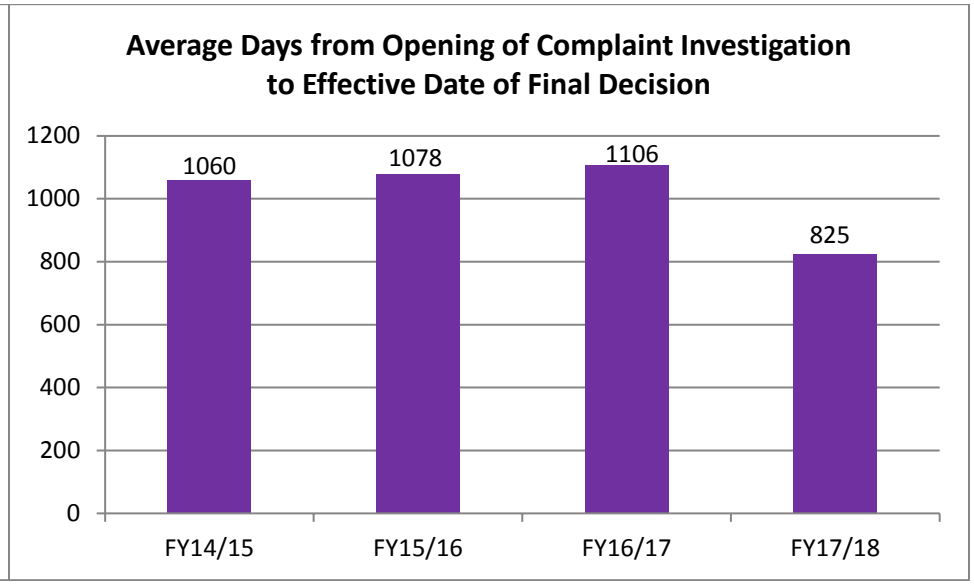


NOTE: FY17/18 statistics are through June 30, 2018

Formal Disciplinary Actions Against Licensees







NOTE: FY17/18 statistics are through June 30, 2018

ATTACHMENT G

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944
Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370
Facsimile: (916) 263-2246
www.bpelsg.ca.gov

February 4, 2016

The Honorable Jerry Hill
Member, California State Senate
State Capitol, Room 5035
Sacramento, CA 95814

The Honorable Susan Bonilla
Member, California State Assembly
State Capitol, Room 4140
Sacramento, CA 95814

RE: Significant Structures Proposal by the Structural Engineers Association of California

Dear Senator Hill and Assembly Member Bonilla:

This letter is in follow-up to the request made of the Board for Professional Engineers, Land Surveyors, and Geologists during its Sunset Review hearing to facilitate discussions with the Structural Engineers Association of California (SEAOC) regarding SEAOC's proposal to define "significant structures" and to restrict the design of such structures to only those individuals licensed by the Board as Structural Engineers.

The Board coordinated a meeting of its Civil Engineering and Structural Engineering Technical Advisory Committees (TACs) at which SEAOC could present its proposal. The members of the TACs, who are all licensed Civil Engineers and Structural Engineers, provided input to SEAOC's representatives regarding the specific language of the proposal. In addition, interested members of the public were able to attend the meeting and also provide input. It should be noted that it was made clear to all involved that the input from the TAC members did not constitute an official position of the Board and that the Board could only take an official position if and when legislation was introduced. It was also clarified that any legislative proposal would come from SEAOC and might not include all of the input from the TAC members.

Subsequent to the meeting, SEAOC advised the Board that it had made changes to its proposal based on the input from the TAC members and that it would be seeking input from other professional associations, such as ACEC-CA. SEAOC also expressed its appreciation to the Board for facilitating the meeting with its Technical Advisory Committees.

If you wish to discuss this matter further, please feel free to contact me at (916) 263-2285 or Ric.Moore@dca.ca.gov or the Board's Assistant Executive Officer Nancy Eissler at (916) 263-2241 or Nancy.Eissler@dca.ca.gov.

Sincerely,

RICHARD B. MOORE, PLS
Executive Officer

cc Robert Stockton, P.E., Board President
Karen Roberts, S.E., Board Member
Carl Josephson, S.E., SEAOC Representative
Mark Mendoza, Consultant, Senate Business, Professions & Economic Development Committee
Le Ondra Clark Harvey, Ph.D., Chief Consultant, Assembly Committee on Business and Professions

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Richard B. Moore, PLS
Executive Officer, Board for Professional Engineers, Land Surveyors, and Geologists